The American
Political Science Review

VOL. XXXIX AUGUST, 1945 NO. 4

THE BUREAU OF THE BUDGET: ITS EVOLUTION AND PRESENT RÔLE, I

FRITZ MORSTEIN MARX
Queens College

As we are moving into the terminal phase of World War II, it is inevitable—and entirely proper—that we allow our thoughts to wander ahead in an initial exploration of the matters on our national postwar agenda. Many of these matters relate to ends and center on policy alternatives.[1] Others focus primarily on means and involve questions of approach. The latter include problems of governmental structure and machinery within the framework of our political system. Such problems present themselves in both the legislative and executive departments.[2] With respect to the executive branch, we must seek to evolve an appropriate organizational form that will enable the federal government to sustain effectively an economy of high-level production and employment.[3] In this effort we are confronted in part with a task of constructive innovation, in part with the need for reëxamination of prewar working hypotheses and wartime experience.[4] It would be a promising venture to return to the work of the President's Committee on Administrative Management and appraise its proposals in the light of later developments.[5] In any such enterprise, attention must doubtless be given to one conception closely associated with the recommendations of the President's Committee: that of the Executive Office of the President.[6]

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[1] The border-line between ends and means should not be over-stressed. A discussion of ends usually entails consideration of available means. As illustrations, see the symposia on "Emerging Problems in the Conduct of American Foreign Relations" and "The American Road from War to Peace," in this REVIEW, Vol. 38 (1944), pp. 913 ff. and 1114 ff.

[2] On the legislative department, see Committee on Congress, American Political Science Association, *The Reorganization of Congress* (Washington, 1945).

[3] See Arthur W. Macmahon, "The Future Organizational Pattern of the Executive Branch," *loc. cit.* in note 1 above, pp. 1179 ff.; Pendleton Herring, "Executive-Legislative Responsibilities," *ibid.*, pp. 1153 ff. On the best method of effecting reorganization, see Louis Brownlow, "Reconversion of the Federal Administrative Machinery from War to Peace," *Public Administration Review*, Vol. 4 (1944), pp. 309 ff.

[4] For a review of wartime administrative experience, see Luther Gulick, "War Organization of the Federal Government," *loc. cit.* in note 1 above, pp. 1166 ff.

The Executive Office, established under the Reorganization Act of 1939,[7] is a relatively new creation—so new that one may marvel at the vitality it has displayed in the test of extraordinary wartime demands upon it, and despite the additional strain of internal transformations.[8] But the Executive Office is not wholly new. One of its divisions, the Bureau of the Budget, will be twenty-five years old next summer. It has served as something like a forerunner of the idea of the Executive Office since 1921, when the Bureau came into being upon adoption of the Budget and Accounting Act.[9] Since its transfer in 1939 to the Executive Office, the Bureau has passed through a significant development.[10] This paper, though not concerned with the Executive Office at large, intends to sketch the Bureau's growth from its early days to the present time. The first part (presented herewith) will deal with its historic evolution, placing special emphasis on the broader concepts which furnished the foundation for the Budget and Accounting Act and on the institutional design of the Bureau in its formative period. The second part (to follow in October) will provide a survey of the Bureau's present organization and operation in promoting economy and efficiency in the executive branch of the federal government.[11]

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[5] A suggestion to this effect has been made by Earl Latham, "Executive Management and the Federal Field Service," *Public Administration Review,* Vol. 5 (1945), p. 16, note.

[6] The original structure of the Executive Office of the President has been described in a symposium by Louis Brownlow and others published in *Public Administration Review,* Vol. 1 (1941), pp. 101 ff. Two elements of the Executive Office have subsequently disappeared. The Office of Government Reports was consolidated into the Office of War Information by Executive Order No. 9182 of June 13, 1942. The National Resources Planning Board was abolished by act of June 26, 1943 (57 Stat. 169; 5 U. S. C. 133, note). On the latter, see Charles E. Merriam, "The National Resources Planning Board: A Chapter in American Planning Experience," in this REVIEW, Vol. 38 (1944), pp. 1075 ff. On the present structure of the Executive Office, see Macmahon, *loc. cit.* in note 1 above, pp. 1182 ff.

[7] Executive Order No. 8248 of Sept. 8, 1939, defines the original structure of the Executive Office of the President and the chief duties and activities of each of its constituent divisions.

[8] For these transformations, see the references cited in note 6 above.

[9] The Budget and Accounting Act was approved June 10, 1921 (42 Stat. 20; 31 U. S. C. 11–16).

[10] In recent years, the Bureau of the Budget has been the subject of an increasing number of studies. Mention may be made of the following: Harold D. Smith, "The Bureau of the Budget," *Public Administration Review,* Vol. 1 (1941), pp. 106 ff. (part of the symposium cited in note 6); Gustave A. Moe, "The Bureau of the Budget and Governmental Budgeting in Wartime," *National Association of Cost Accountants Bulletin,* Vol. 25 (1943), pp. 43 ff.; Norman M. Pearson, "The Budget Bureau: From Routine Business to General Staff," *Public Administration Review,* Vol. 3 (1943), pp. 126 ff. and "A General Administrative Staff to Aid the President," *ibid.*, Vol. 4 (1944), pp. 127 ff.; Horace W. Wilkie, "Legal Basis for Increased Activi-

I. THE BACKGROUND OF THE BUDGET AND ACCOUNTING ACT

As has happened on other occasions,[12] budgetary reform on the national plane followed in the footsteps of state and local pioneering and experimentation. A landmark was set in 1917 with the adoption of a modern budget system in Illinois. Both the pressure of a popular cause and the unprecedented expansion of federal activities during World War I rendered Congress responsive to reformist appeals. In 1918, Representative McCormick of Illinois placed before the House a comprehensive "plan" for budgetary legislation,[13] for which he had enlisted the services of a staff member of the Library of Congress, a student of British Treasury practice.[14] This "plan" marks the beginning of the legislative delibera-

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ties of the Federal Budget Bureau," *George Washington Law Review*, Vol. 11 (1943), pp. 265 ff.; Macmahon, *loc. cit.* in note 1 above, pp. 1182 ff.; Latham, *loc. cit.* in note 5 above, pp. 16 ff.

[11] Needless to say, the Bureau of the Budget has no monopoly in this vast field. It shares its responsibilities, not only with all of the operating agencies, but also with control agencies such as the General Accounting Office and the Civil Service Commission. The latter especially has taken initiative in management improvement by fostering better manpower utilization in the executive branch.

[12] As one example, executive reorganization in state and local governments during the twenties and thirties preceded the Reorganization Act of 1939. Civil service legislation is perhaps the best illustration of the opposite development; here the federal government took the lead in the Pendleton Act of 1883, with New York and Massachusetts the first to follow suit.

[13] 65th Cong., 2d Sess., House Doc. No. 1006 (1918). In the same year, William F. Willoughby published his influential book entitled *The Problem of a National Budget* (New York, 1918). For the earlier background, especially the proposals of the Taft Commission on Economy and Efficiency (1912), see Wilkie, *loc. cit.* in note 10 above, pp. 266–267.

[14] For a statement of the views of Representative McCormick's collaborator, see Charles W. Collins, *The National Budget System* (New York, 1917). Ironically, partly because of this association, partly because of McCormick's interest in devising a sharp brake on the exercise of the spending power of Congress, his "plan" had

tions which culminated in the Budget and Accounting Act of 1921.[15] The intervening shift in political control from one major party to the other had no particular influence on the course of the debate. The matter was not treated as a partisan issue, and final voting reflected virtual unanimity on the essential features of the law.

1. *The Defects of the Status Quo.* In terms of legal clauses alone, the Budget and Accounting Act did little more than elaborate and systematize earlier legislation.[16] But this legislation was so widely scattered that it invited executive laxity, and even stumped the experts.[17] What is more important, it failed to provide for dependable budgetary machinery. The outstanding feature of the new law lay in the fact that it supplied the chief executive with the services of a staff agency, the Bureau of the Budget, headed by an officer of his free choice. Thus the act distinctly reversed the former trend toward departmental independence and self-determination, and helped to restore the chief executive of the nation to his constitutional rôle as the responsible head of the executive branch. In doing so, it established a conspicuous precedent for the line of reasoning which in 1937 found fuller expression in the report of the President's Committee on Administrative Management.[18]

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a strong British flavor. Opposition in Congress to its restrictive features made pursuit of the "plan" in its original form impracticable.

[15] It should be recalled that the first budget and accounting legislation was vetoed by President Wilson June 4, 1920, because of constitutional objections concerning the status of the Comptroller General; for the veto message, see *Cong. Rec.*, Vol. 59 (1920), p. 8509. Although the law as finally approved had undergone some slight rephrasing on this issue, it hardly met the objections raised in the veto. However, President Harding was willing to accept it on its general merits.

[16] See 7 Comp. St. 6732 and subsequent provisions incorporated into appropriation legislation passed in 1907 and 1909 (34 Stat. at L. 949; 35 Stat. at L. 1027).

[17] In the hearings held in 1919 before the House Select Committee on the establishment of a national budget system (66th Cong., 1st Sess.), then Representative Garner of Texas referred to "this wonderful revelation to me . . . that a great many gentlemen who . . . have written books and magazine articles, and newspaper articles, some of them in a very critical way, . . . do not know a thing about what is on the statute books or what is required, or anything about it" (p. 560). However, better knowledge on the part of some of the committee members did not guard them from errors about both content and dating in citing the statutory sources in the hearings (see p. 118).

[18] See President's Committee on Administrative Management, *Report with Special Studies* (Washington, 1937). The report of the Brookings Institution submitted in 1937 to the Byrd Committee on *Organization of the Executive Branch of the National Government* (Senate Rep. No. 1275, 75th Cong., 1st Sess.) crossed the path of this major theme at various points, but did not make it its main approach.

The basic defects of the *status quo* had become all too plain in the course of the hearings held in 1919 by the House select committee on the need for a national budget system. They were eloquently stated in the report of this committee, submitted by its indefatigable chairman, Representative Good of Iowa, who probably deserves the largest share of credit for making the Budget and Accounting Act what it came to be. He pointed out[19] that

> "expenditures are not considered in connection with revenues; that Congress does not require of the President any carefully thought-out financial and work program representing what provision in his opinion should be made for meeting the financial needs of the Government; that the estimates of expenditure needs now submitted to Congress represent only the desires of the individual departments, establishments, and bureaus; and that these requests have been subjected to no superior revision with a view to bringing them into harmony with each other, to eliminating duplication of organization or activities, or of making them, as a whole, conform to the needs of the Nation as represented by the condition of the Treasury and prospective revenues.
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> Under the law it is the practice for the head of each executive department to designate the chief of each bureau under his control to estimate the expenditure needs of his bureau. When all the estimates of the bureau chiefs in a given department are sent to the head of that department, he in turn submits his estimates to the Secretary of the Treasury. The various bureau chiefs act independently of each other. Bureaus of executive departments doing similar work are thus stimulated in a rivalry, and so far as the estimates go, very little effort has been made to coördinate the activities of the several departments and bureaus, and in practice this method has resulted in extravagance, inefficiency, and duplication of service.
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> The waste and extravagance resulting from the operation of this plan must be apparent to anyone who has made a study of it. Practically every one familiar with its workings agrees that its failure lies in the fact that no one is made responsible for the extravagance The estimates are a patchwork and not a structure. As a result, a great deal of the time of the committees of Congress is taken up in exploding the visionary schemes of bureau chiefs for which no administration would be willing to stand responsible."

This verdict simultaneously disclosed the pattern of ideas which in the course of the hearings had impressed itself upon the Select

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[19] 66th Cong., 1st Sess., House Rep. No. 362 (1919), p. 4.

Committee as a desirable blueprint for the new system. Its most important element was brought out with great clarity. To shape the estimates into a "structure" which made sense would call for "superior revision" on a plane above that occupied by the various departments. Here we find the germ of a central conception which retained its prominence in the legislative proposals introduced by Representative Good himself. This conception envisaged a budget agency attached to the President and operating in exercise of his directive power.

Although the executive branch was anything but free from blame for the unsatisfactory state of federal fiscal management,[20] Congress aided and abetted it, if unwittingly. Upon reaching Capitol Hill, the Treasury's "book of estimates" was taken apart and in segments fed into no less than eight committees. Little more than an index to unharmonized activity programs, the "book of estimates" became a series of smaller books without a uniting theme as soon as Congress started to work on it. Each committee confined itself to one segment. Comprehension of the estimates as a "structure" would have been well-nigh impossible, even if they had been submitted as the considered plan of the President. The way Congress was organized for its share of the business not only promoted the centrifugal tendencies inherent in the estimates, but also encouraged a peculiar union of interest between individual departments and their counterparts in the committee system.

Representative McCormick's "plan"[21] held forth a radical cure: concentration of fiscal responsibility of the House in a single standing committee. For good measure, this budget committee was deliberately designed to operate as a check on the spending power of Congress. A resolution proposed as part of the "plan"[22] not only made the committee the chief device of action on the estimates but also required a two-thirds majority for any increase in the estimates beyond the request of the executive branch. Except for restoration of amounts reduced through the committee, amendments increasing items in the budget bill were declared out of order after the committee had reported the bill to the House.

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[20] Instances of vigorous departmental self-control were few and far between. For one such instance, see the testimony of former Congressman Fitzgerald of New York, for many years chairman of the House Appropriations Committee, in the hearings before the Senate committee set up for consideration of a national budget, 66th Cong., 2d Sess. (1920), p. 57.

[21] See note 13 above.

[22] *Loc. cit.* in note 13 above, p. 6.

In his supporting brief, Representative McCormick explained that during the first 75 years of federal government the Select Committee of Ways and Means had served the House as its single budget committee; that the division of responsibility between revenue and expenditure legislation, with the creation of a Committee on Appropriations in 1865, had been accompanied by grave misgivings; and that this division of responsibility would not have occurred had the Ways and Means Committee avoided the "fatal mistake of attempting to determine in detail every item of executive expenditure."[23]

Neither the single budget committee nor the contemplated curtailment of the spending prerogative of Congress found sufficient backing to stimulate serious consideration. The hearings tended to center on the Good bill as the House measure and a revised McCormick bill, introduced in the Senate by its new member, both bills leaving Congress full freedom of procedural as well as fiscal decision. However, the forthright assault in the earlier draft resolution upon the multiplicity and incoherence which characterized the appropriation procedure of Congress was too well aimed to be ignored. When the new budget system got under way, the lawmaking body took steps to adjust its own mechanism to it. Congress discarded the ill-advised separation of jurisdiction over appropriations by concentrating responsibility for scrutiny of estimates in the Appropriations Committee of each chamber. Although not a complete reformation, the move restored the status that had existed until 1885 when a revolt in the House of Representatives against the chairman of the Appropriations Committee had ended in partition of its authority.[24]

2. *Toward a Responsible Presidency.* In his testimony before the House Select Committee, Secretary of the Treasury Carter Glass deplored the weakness of his department under existing legislation as "an intolerable thing."[25] The purely formal functions of the Treasury chief were summed up by Chairman Good by saying that "at present he has no power except to receive, index, print, and

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[23] *Ibid.*, p. 24.

[24] This revolt did not arise from organizational issues but from clashes over protective tariff agitation.

[25] *Loc. cit.* in note 17 above (hereafter cited as House *Hearings*), pp. 487–488.

transmit" the estimates. This business occupied one Treasury employee.[26] Though a stern guardian of the government's finances, Secretary Glass took no pride in the spectacular economy of a budget administered by a staff of one. Instead, he raised his voice for a working force "composed of experts whose tenure of office, with the possible exception of the head, would be in the nature of permanence."[27]

It was equally clear to Secretary Glass that neither such a working force nor its head would be able to accomplish anything as long as the chief executive stayed off the stage. A real budget system would have to be anchored in the President's power. His would be the ultimate responsibility. While Secretary Glass took issue with the Good bill for dissociating the proposed Budget Bureau from the Treasury, he had no doubt that his department, if entrusted with the task of preparing the budget, would have to rely on higher sanction.

Only the President was in a position to supply this sanction. He alone was strong enough to make the final commitments beyond departmental challenge or obstruction. Thus the executive budget would in itself become an instrument of accountability. In the words of the report of the House Select Committee,[28] if under the pending legislation

> "duplication, waste, extravagance, and inefficiency exist in any branch of the service, the President will be responsible for them if he includes in his budget an estimate for their continuance. The members of his Cabinet and their assistants would aid the President in preparing a budget for which his administration is willing to be charged. It substitutes teamwork in the executive departments for the unorganized work of each of the members of his Cabinet."

As a fully developed budget process stimulates "teamwork in the executive departments" throughout the entire administrative organization, so it exerts a powerful influence as a consolidating and coördinating force. Its goal is a plan, not an aggregate of plans. Said Secretary Glass before the House Select Committee: "When the budget has been received by the Congress, it will be accepted as the President's program of finance."[29] But a program of finance is merely one way of presenting a program of action. Public revenue is fuel to be fed into governmental activities. To make sense, these activities must fall into a broader pattern. As Representative Good expressed it during the later House debates,[30] "We do not appropriate money simply for the purpose of making appropriations; we appropriate money to carry out work planned for the Government. The President alone formulates this plan." No one disputed the proposition that Congress, in acting on the President's plan, should treat it as the unified work program presented by the constitutional head of the executive branch. Congress might attempt to improve it, or even alter it in its general structure. But whatever its legislative disposition, the inner consistency of the program would have to be recognized.

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[26] *Ibid.*, p. 507.

[27] *Ibid.*, p. 490.

[28] *Loc. cit.* in note 19 above, p. 6.

[29] House *Hearings*, p. 490.

3. *Improving Administrative Management.* Both the House Select Committee and its equivalent in the Senate spent considerable time in exploring the kind and scope of activities envisaged for the Bureau of the Budget. Much of the testimony looked far beyond the mere assembling of the money items for the budget document. Instead of regarding budgeting simply as a series of steps required in framing a budget, committee witnesses related the entire budget process to the general responsibility for administrative planning and management centered in the President. Thus Charles D. Norton, former Assistant Secretary of the Treasury, a business man who had helped President Taft in organizing the Commission on Economy and Efficiency, remarked before the House Select Committee:[31]

> "It seems to me that the President would need in his staff some one who would be an executive manager so to speak. And in the same way each Cabinet officer might well have what I have so often heard them plead for, either an undersecretary or administrative secretary, whatever he might be called, a sort of business aide to each Secretary with whom the President's budget staff could confer directly. Then the budget staff would not be put in a position of spying upon Cabinet officers, but there would be created a group of associates, partners, if you please, whose particular duty was that of analysis and balancing the various projects of the administration."

Once analysis and balance of governmental projects were recognized as the core of the budget process, there was no longer anything incongruous in the idea of a partnership between the budget staff and the corresponding staffs on the departmental level. Their objective, honestly pursued, would be one and the same. Their scale of values, in quest of the same objective, could not be supposed to spring from fundamentally different points of view. And their method, oriented toward analysis and balance, would be essentially identical.[32]

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[30] *Cong. Rec.*, Vol. 61 (1921), p. 980.

[31] House *Hearings*, p. 279.

This partnership in analysis assumed a candid sharing of all relevant information by the budget staff and its counterpart on the departmental level. The former could offer useful knowledge gained in viewing the government as a whole and in dealing with different agencies. The latter could project their operating experience into the area of central determination. Central location combined with insight into the conduct of departmental business was bound to make the Budget Bureau a principal depository of information about the executive branch at large. Such information, placed at the disposal of the chief executive in appropriate form, would serve the purpose of administrative control.[33] It would also be helpful to Congress.

A Budget Bureau so widely informed would soon know of good as well as bad administrative practice. It could bring about a standardization of the most efficient methods. It could unravel organizational knots. It could stimulate the development of managerial facilities within the departments. Finally, in working toward a balance of departmental plans and projects, it could secure understanding for the President's general program and help to ascertain whether or not these plans and projects, legislative or administrative, actually conformed to the President's policy.

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[32] Quite similar was the picture which Mr. Francis Oakey, speaking for the American Institute of Accountants, developed before the Senate Committee. Mr. Oakey pictured a "department under the President," headed by a "secretary of administration" who "should be charged with the duty, first, of investigating the work requirements of the various departments, bureaus, offices, commissions, boards, etc., that come under the executive branch of the Government, looking into their needs and their plans, and their means and facilities for carrying out those plans; consulting with these departments, bureaus, or commission heads, after they have submitted their estimates, to determine whether the estimates are justified, and if not, to try to come to some agreement with the various departments as to how they should be changed before submitted." *Loc. cit.* in note 20 above (hereafter cited as Senate *Hearings*), p. 172.

[33] Dr. William F. Willoughby, director of the Brookings Institute for Government Research, suggested this rôle when he told the House Select Committee that the Budget Bureau "should know all about the Government, its organization, activities, and methods. . . . This means that the bureau should make of itself a general bureau of administration and of information in regard to the Government as a whole. When I say a 'general bureau of administration,' I mean that it should be a central bureau that will keep fully informed as to how the Government is organized, what are its activities, what are the methods that are employed in performing those activities, what are the laws and regulations governing the various services in the performance of their duties, and information of that kind" (House *Hearings*, p. 81).

In brief, from such a vantage point the Budget Bureau presented itself not only as a strategically lodged clearing house of administrative information for constant use by the chief executive and the individual agencies on the operating level, but also as pacemaker of sound management.

4. *The Budget Process.* No voice was raised during the legislative hearings in favor of an unduly restrictive definition of the mandate of the Budget Bureau. Most lawmakers and witnesses spoke of it in expansive terms. Budgeting would not be seasonal labor. As Dr. Nicholas Murray Butler, president of Columbia University, pointed out to the Senate Committee under McCormick's chairmanship: "Care should be taken, I think, not to confine within too narrow limits of time the work of budget preparation. Rightly conceived, this will be an enormous task and a continuous one."[34]

A continuous business, jointly carried on by the Bureau staff and the especially designated departmental officers, budget work was expected to rise above artfully perfected obscurity. The final product was to disclose its content readily. In the words of Mr. Jesse D. Burks, appearing before the House Select Committee on behalf of the National Industrial Conference Board,[35] the material to be included in the annual budget, developed through

> "adequate provision for departmental self-study throughout the year, from year to year, by administrative officers, . . . must not only be full but it must be classified, analyzed and summarized in such a form as to bring out its meaning. . . . I may say that it ought to be possible for the entire budget of the United States to be placed in the first instance upon a sheet about this size [indicating], that it should be possible for a Member of Congress or a member of an organization such as ours to take that single sheet and get a bird's-eye view of the entire proposal for the coming year, and then submit it and explain each one of these items, and there should be a sufficient amount of data to make it clear down to the last analysis."

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[34] Senate *Hearings*, p. 73.

[35] House *Hearings*, pp. 595–596.

These were broad-gauged proposals. It was far easier to raise such demands than to follow them out in practice. But they pointed up the alternative between a budget system alive and allowed to grow, and one under-nourished in staff and reduced to a shadow existence. This question never arose in the legislative history of the Budget and Accounting Act, because those who framed the law assumed that it would be permitted to develop its strength.

Considering the ramifications of the budget process, one need not be surprised that the head of the Budget Bureau was visualized, not as a diplomat or "fixer," but as an extension of the chief executive. Representative Garner, during the hearings still skeptical of the proposed reform, described the budget director on the floor of Congress[36] as a man whose power lay in the fact that it derived directly from the President himself:

> "Mr. Garner. It has been said by the gentleman from Illinois [Mr. Denison] that the executive budgetary man is probably an inferior officer; but let me say to you, gentlemen, he is the President's man. The President does not even have to consult the Senate about him. He pays him $10,000 a year, and he is immediately under the direction of the President of the United States. It may be an inferior office, but if he will appoint a man with courage, a man who will do his duty, he will be the second largest man in the executive department of the Government.
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> Mr. Madden. And every time he speaks it will be the President who will be speaking.
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> Mr. Garner. He will be able to look at the Secretary of the Treasury and say: 'You will cut out this expenditure. This is what I am going to abolish.' 'Who is this that is speaking to me?' 'It is the representative of the President of the United States himself.' And when the Secretary of the Treasury sits down at the Cabinet table and says, "This budgetary man is destroying my department,' who defends him? The President himself, and if there is a controversy to be fought out, he sends for his budgetary man and they fight it out around that Cabinet table."

Naturally, this dramatization did not commend the dictatorial whim of arbitrariness. The real authority of the budget director would lie in facts and figures, in the depth of his inquiry, and in the soundness of his judgment. If he had made up his mind as to what he was "going to abolish," the force of his demand would be in exact proportion to the cogency of his reasons. He could not himself attempt to set out in quest of facts and figures. The spade-work would fall to his staff. A feeble staff, compelled to spread its activities so thin that only surface aspects could be reached, would be severely handicapped in carrying the case for thoroughgoing improvement. Thus size and caliber of the budget staff were destined to determine in large part the stature of its head. In order to be a forceful monitor of good management, the budget director would have to surround himself with an organization capable of tackling complex problems of awesome magnitude and constructing recommendations which would carry conviction. If he could present his case in terms of a closely reasoned proposition, the chief executive would not be likely to fail him.

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[36] *Cong. Rec.*, Vol. 61 (1921), p. 1857.

Compared with the requirement of close contact between these two, it could seem less material whether the Budget Bureau should be set up under the roof of the Treasury or in the President's office. On this question Representative Good in the end yielded to Senator McCormick, with the result that the new Bureau was placed by statute in the Treasury.[37] But Good's sense of organizational architecture had not betrayed him, even though his view failed to prevail until the Reorganization Act of 1939 provided a means of correction.

5. *Immediate and Ultimate Objectives.* Adopted in the aftermath of World War I, at a time when the country paused to take a good look at the unparalleled growth of government and the sharp increase of the national debt, the Budget and Accounting Act was likely to raise expectations of almost automatic economy. On the floor of Congress, it was stated unequivocally that "the theory of this legislation is to impose on the executive departments a greater degree of caution and economy."[38] Yet few members of Congress

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[37] Observed Representative Good during the closing debate in Congress (*Cong. Rec.*, Vol. 61, 1921, p. 1855): "It would have been better not to have put in the words 'in the Treasury Department,' but I agree with the gentleman from Wisconsin that it is an idle phrase. It does not mean anything, because the real meat in the section is the power granted by the section, and the only power conferred is the power we give to the President. The President is given power to appoint the director and the assistant director, and he is not required even to get the confirmation of the Senate, because it was thought that for these offices that would be so peculiarly the President's staff, the President's force, the President, without being questioned with regard to his appointments, should appoint the men whom he believed he could trust to do his will in the preparation of the budget, so that when the budget came before him it would be a budget that reflected his sentiment and his determination with regard to economy and with regard to expenditure."

[38] *Cong. Rec.*, Vol. 61 (1921), p. 997.

regarded the budget system as a panacea, or the budget director as an ever-growling, ever-distrustful watchdog of the national exchequer.

There was widespread agreement about the distinction between the benefits which would accrue from a rationally organized scheme of fiscal management and the political pressures which under popular government would control the exercise of the spending power. Columbia's President Butler urged upon the Senate Committee:[39]

> "One more point to be borne in mind about a budget system. It is almost universally referred to as a means of saving money; but even if under a budget system not a single dollar was saved, there would be every possible assurance that every dollar was wisely expended. The people are constantly demanding new forms and kinds of public expenditure, and if these are to be undertaken without making taxation so severe as to burden industry and crush out enterprise, the necessary moneys must be found by savings where there is now waste, overlapping, and duplication of effort."

While viewing the final bill as "the greatest measure of legislative and administrative reform in our history," Representative Mondell of Wyoming in effect seconded Dr. Butler when he said in Congress:[40] "Under the budget system we may be just as extravagant as the country ever has been, or we may economize more effectively than we ever have economized in the past." Nor were pessimistic voices lacking which seemed to contend that democracy and economy would forever be incompatible with each other.[41]

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[39] Senate *Hearings*, p. 74.

[40] *Cong. Rec.*, Vol. 61 (1921), p. 1858. Representative Byrns of Tennessee, who later helped to launch the civil service classification law, spoke of the budget system in the same vein (*ibid.*, p. 1857): "The law, I firmly believe, provides the machinery for true economy as well as efficiency in government, if the Executive and the Congress will avail themselves of it."

[41] As Senator King of Utah expressed it at the conclusion of the Senate debate (*Cong. Rec.*, Vol. 61, 1921, p. 662), "I voted for the budget bill at the last session of Congress; I shall vote for the pending budget bill. I state now, as I stated then, that I do not look for any great reform to eventuate from the bill. We may have all the budget bills the wit of man can devise, but under our theory of government and under the course of legislation which we have adopted we cannot restrain extravagant appropriations until the American people and their representatives here earnestly desire economy and efficiency in the administration of the affairs of the Government. We cannot have economy so long as the American people demand that Congress shall undertake the duties of individuals and assume the responsibilities of the States. We cannot have economy in the Federal Government so long as the people believe that the Federal Government is the guardian of their lives and the

Doubtless some of these contentions had more political than administrative color. They bore little relationship to the frame of reference around which the Budget and Accounting Act was built. Clearly, neither Congress nor the chief executive was constitutionally in a position to defy the people in their demands for more extensive public services. No budget system operating within the structure of democratic control could be conceived free from its broader political context, and hence above the manifestations of the popular will. Necessarily ineffectual as a political check upon democratic aspirations, it could aim solely at strengthening the forces of fiscal order, administrative consistency, and managerial responsibility.

However, even the most unpretentious conception of the budget system still put in relief ultimate objectives of true political significance. Those who at the close of World War I pondered the less immediate but lasting effects of the pending legislation were not unmindful of the fact that the problems besetting the path of national development called for a reassertion of the genius of American government. Dr. Butler was not alone in trying to place the question of budgetary reform into the span of broader perspective, but his testimony before the Senate Committee had the strongest ring of authority. Said he:[42]

> "My point of view, Senator, is that the introduction of a properly formulated national budget is not an end in itself, but a means, and a very important means, to improving the whole administrative organization of the National Government. As I read our political and governmental history, we have patched and amended our administrative machinery to meet emergencies and conditions for about 125 years, but we have never really taken up the question of its reorganization from the standpoint of the governmental needs and business methods of today, when our Federal Government has become, of course, the largest business undertaking in the world, and my fundamental proposition is that all over the world we are faced by the question of the breakdown of governments as efficient agents, their breakdown, I mean, before public opinion."

Here was a concise enunciation of the idea that in the last analy-

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author of their fortunes and misfortunes, and by the creation of boards and departments and bureaus and commissions must take control of the business and lives and activities of the people."

[42] Senate *Hearings*, pp. 74–75. Dr. Butler also stressed the need for "a more complete understanding and coöperation" between the legislative and the executive branches; *ibid.*, p. 72.

sis the issues of administrative reform and constitutional survival were inseparably intertwined. Government would be judged by the nation in terms of its end product—service rendered to society, tangible service competently performed. If the machinery of service bogged down in the quagmire of inefficiency, if its operation were allowed to defeat itself through confusion and unaccountability, the people might be driven eventually to reject the constitutional system which the Founding Fathers had erected to promote the welfare of the country.

None of the ultimate objectives could be attained overnight. Even the most immediate goal would require a progression of steps. One witness before the House Select Committee whose vision and office experience left him in no doubt about the budget director's rôle as chief administrative staff officer attached to the President,[43] Assistant Secretary of the Navy Franklin D. Roosevelt, tempered his forecast of progress with a level-headed appreciation of the time factor. Turning his mind to the future, he felt that "those steps, as we know the history of the Government, are bound to come slowly. . . . But I cannot help feeling that the budget system is the entering wedge."[44] Slow as the advance might be, Assistant Secretary Roosevelt could see the day when past neglect would no longer affect administrative tradition. He had no hesitation in declaring his belief "that twenty years from now those of us who are alive are going to look back on this period of running the Government as the dark ages, there are going to be so many changes, and I think the next great step is to put the Government on a business basis."[45]

II. THE EVOLUTION OF THE BUREAU OF THE BUDGET

In harmony with the intentions of its legislative sponsors, the Budget and Accounting Act of 1921[46] provided specific safeguards to maintain the authority of the Bureau of the Budget. In the first place, the Bureau was empowered "to assemble, correlate, revise, reduce, or increase the estimates of the several departments or establishments."[47] The tasks of revision, reduction, or increase of departmental estimates in themselves indicated a vantage point from which one would gain a comprehensive picture of the President's program as a whole. The complementary authority of "correlating" the estimates removed any remaining doubt from the meaning of the Bureau's mandate—to cast the estimates in a single mold. Second, in order to protect the budget process from disruptions, the act denied all federal agencies the right of exerting any direct influence upon the budgetary determinations of Congress save at legislative request.[48] Third, the entire executive branch was placed under the obligation of supplying the Budget Bureau with every item of necessary information and permitting it to examine "any books, documents, papers, or records."[49] Fourth, the act directed each department and establishment to designate one of its officials as budget officer to serve as the connecting link between the individual agency and the Bureau of the Budget.[50]

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[43] House *Hearings*, p. 654.

[44] *Ibid.*, p. 670.

[45] *Ibid.*, p. 665.

[46] See note 9 above.

[47] Sec. 207.

Nor was the law concerned exclusively with financial procedure and fiscal planning. Aside from its budgetary functions, the Bureau was expressly charged with the duty of making detailed studies for the President to the end of "securing greater economy and efficiency in the conduct of the public service." These studies were to consider the administrative system in its manifold aspects, especially the need for changes in "(1) the existing organization, activities, and methods of business . . . , (2) the appropriations therefor, (3) the assignment of particular services, or (4) the regrouping of services."[51] Finally, while making the Budget Bureau an establishment of the President operating under his constitutional power over the executive branch, the act at the same time required the Bureau "at the request of any committee of either House of Congress having jurisdiction over revenue or appropriations" to render "the committee such aid and information as it may request."[52]

1. *Applying Executive Pressure.* It was fortunate for the institutional beginnings of the Budget Bureau that its first head, General Charles G. Dawes, threw all of his abundant drive and energy into his task. Dawes combined the experience of a prominent business man with a personality which made him a resourceful inaugurator, and he was no novice in what he conceived to be his new assignment.[53] The post of Secretary of the Treasury he had turned down.

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[48] Sec. 206. [49] Sec. 213. [50] Sec. 214.
[51] Sec. 209. [52] Sec. 212.

[53] As he wrote later, "As Chief of Supply Procurement in the American Expeditionary Forces, under a general plan whose principles were established by General Pershing, I superimposed in France, under his direction, a system of business coördination over the decentralized services of the army. It was because of this experience that I felt justified in assuming an analogous task under President Harding

Nor did he look forward to an extensive period of service. However, he was thoroughly convinced that the matter of governmental economy and efficiency had become a national issue pressing enough to warrant the effort of a complete revision of the way in which administrative business was being carried on. This he felt he could best achieve as "an assistant secretary to the President" securing "by direction of the President" the "intelligent application of Executive pressure upon the business administration, which was the principal thing lacking."[54]

Dawes was quick to see that the new budget law offered all that was needed for bringing "the central pressure for correct administration from the Chief Executive"[55] to bear upon the departmental system. The only question left was that of the strength of this pressure. In President Harding, Dawes sensed a political superior anxious to achieve economy and efficiency along the entire administrative front, and ready to give his budget director unstinting support—an "ideal chief."[56] As Dawes expressed it in his interim report of December 5, 1921, which the President transmitted to Congress together with his budget message,[57]

> "Budget laws or other legislative enactments cannot change human nature, and, while compelling the letter of coöperation, cannot compel its spirit, which is, above all things, essential in business organization. The President, and the President alone, can do this, for his attitude toward the heads of the departments and the independent establishments is a matter constantly in their minds. What he desires it becomes their interest as well as their duty to do, where consistent with right principles and in accordance with law. In the absence of his expressed desire, what becomes their selfish interest in action is inevitably along the lines of decentralization and the reëstablishment of the old condition of things, with everything running haphazard."

The position of the Budget Bureau in the Treasury struck Dawes as anomalous. He was glad to find himself associated with a Secretary of the Treasury—Andrew W. Mellon—who was eager to coöperate with him, and willing to leave him the initiative. But that was merely a lucky circumstance. Said Dawes in his diary about

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to inaugurate a system of coördinating business control over the various departments and independent establishments of government which, for one hundred and thirty-two years, have been almost completely decentralized". Charles G. Dawes, *The First Year of the Budget of the United States* (New York, 1923), p. ix.

[54] *Ibid.*, p. 46. [55] *Ibid.*, p. 2. [56] *Ibid.*, p. 55.

[57] Message of Dec. 5, 1921, p. 36.

potential interference from the Secretary of the Treasury: "A small or jealous man in his place would make the Budget Director's life miserable and his work largely ineffectual . . . . The effectiveness of the Budget machinery depends upon its independence of departments and its complete dependence upon the President."[58]

Though personally aloof from considerations of official protocol and dignity, Dawes nevertheless recognized the need for precedent to facilitate the work of the Budget Bureau. In Budget Circular No. 1 of June 29, 1921, he attempted to hammer out the status of his bureau in terms of principles "acquiesced in unanimously by the Cabinet."[59] To quote the circular:

> "The permanent success of the Budget system in the United States depends upon certain basic principles which at its inception must be so firmly established both as concepts and rules of action that they will never hereafter be questioned.
>
> 1. The Budget Bureau must be impartial, impersonal, and non-political.
> 2. The Director of the Budget in the matter of Governmental business administration has no responsibility under the law save for the administration of his own Bureau. He is simply an adviser of the President and Congress in the matter of correcting business administration.
> 3. The Director of the Budget in gathering information for the use of the President acts for the President, and his calls upon the Chiefs of Bureaus and other Administrative Officers for purposes of consultation or information take precedence over the Cabinet Head of a Department, or any head of an independent organization.
> 4. The Budget representative in each Department, being appointed by the Cabinet Head, will present to the Director of the Budget the views of the Cabinet Head upon the wisdom of conclusions drawn by the Director of the Budget, for the use of the Chief Executive and Congress, but as in the case of Bureau Chiefs and other officers, the call of the Director of the Budget for their presence and advice takes precedence over the Cabinet Head."

With the President visibly behind him, Dawes encountered no defiance. When he first met with his new creation, the Government

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[58] *Op. cit.* in note 53 above (hereafter cited as *First Year*), p. 63.

[59] As Dawes put it in his book, "No cabinet officer on the bridge with the President, advising as to what direction the ship of state should sail—concerned with matters of policy of highest importance, but at the same time under our Constitution charged with responsibility for a limited portion of the common machinery of the ship—will properly serve the captain of the ship or its passengers, the public, if he resents the call of the Director of the Budget from the stokehole, put there by the captain to see that coal is not wasted" (*First Year*, p. xi).

Business Organization, which included the entire directive personnel from cabinet members to the chiefs and assistant chiefs of bureaus and their subdivisions, he confided to his audience of some 1,200 officials: "I am glad to say that the Secretary of the Treasury walked upstairs to my office—one of his subordinate bureau chiefs—because he regarded it as necessary in connection with a call from me for information needed by the President of the United States. That will be an historic walk in the annals of the Budget Bureau."[60] Subsequently, the President designated the Cabinet Room in the White House as the meeting place between the budget director and members of the cabinet.[61] This ingenious arrangement made it easy to reconcile conflicting notions of official propriety. Now the path was free for action.

2. *Improving Business Methods.* Dawes appreciated his chance and was set to act fast. His diary notes reveal the philosophy of the new broom. "To devise means to stop the terrible waste in the utilization of government facilities" was as "constantly" on his mind as the thought of obstacles he might meet in solidified attitudes on the lower levels of authority—"There is no use, however, to become a pessimist on human nature, for it has occasionally good points to it."[62]

In dealing with the two separate but related tasks of working out the technical aspects of the new budget system and attaining economy and efficiency, Dawes gave the latter priority. At the same time, he did not treat economy and efficiency as one and the same thing. Mere retrenchment would not make for better operation. Better operation would require special attention. The precepts to be followed would present no problem. As Dawes outlined it for the President, "Concerned only with the business aspect of governmental activities and charged with the duty of suggesting changes in present methods in order to secure economy and efficiency, the Bureau of the Budget endeavors at all times to keep in mind the importance of the application, through Executive authority, of the simple and common-sense methods of ordinary business organization."[63]

One of the earliest results was the formation of so-called coördinating agencies. These were not meant to serve as mechanisms for the government-wide correlation of departmental objectives within the framework of the President's general program, but concerned themselves with specific problems such as the disposal of the existing huge postwar surplus supply; the harmonizing of departmental purchasing in order to secure the greatest benefit for the government as a whole; and a variety of similar management issues. In the words of the first annual report of the budget director, the coördinating agencies were, "in effect, nothing more than interdepartmental committees composed of a representative from each department or establishment concerned in the business activity under consideration."[64] The entire machinery in turn was kept together by a chief coördinator appointed by the President. In the field, the chief coördinator was represented by nine coördinators, each functioning within one of the Army corps areas.

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[60] *Ibid.*, pp. 9–10. [61] *Ibid.*, p. 29. [62] *Ibid.*, p. 50. [63] *Ibid.*, p. 51.

The emerging structure was modeled on "the old Pershing A. E. F. plan of coördination of the existing agencies of a decentralized organization," as Dawes explains in his diary.[65] In redesigning this plan, Dawes had the personal advice of General Pershing and his close collaborators in the War Department—the "old A. E. F. crowd,"[66] which continued to give Dawes much inspiration. Moreover, not only the area coördinators, but also the chief coördinator and his principal staff members, were borrowed from the Army on temporary detail. Naval officers were added.

Although created under the President's authority, these new agencies—later known collectively as the Cöordinating Service—were kept under Dawes' general direction. His supervisory status harmonized with his desire to preserve the central position of his own establishment, which he regarded as essential for the success of the Coördinating Service: "The only agency in existence which bears such a relation to the Chief Executive that it can be made a proper conduit for the transmission of Executive authority in routine business matters . . . to all departments and establishments is the Bureau of the Budget."[67]

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[64] (1919), p. 1. The theory behind this coördinating structure is presented in Dawes' interim report of Dec. 5, 1921 (see note 57 above), pp. 33 ff.

[65] *First Year*, p. 39. [66] *Ibid.*

[67] Dawes' interim report (see note 57 above), p. 35. Eventually, the chief coördinator combined under him a large number of agencies extending far and wide: Federal Purchasing Board, Federal Specifications Board, Interdepartmental Board of Contracts and Adjustments, Federal Real Estate Board, Federal Board of Hospitalization, Federal Traffic Board, Coördinator for Motor Transport in the District of Columbia, Forest Protection Board, Interdepartmental Patents Board, Permanent Conference on Printing, Federal Statistics Board, Federal Standard Stock Catalog Board, Interdepartmental Board on Simplified Office Procedure. None of

Apart from the coördinating agencies, Dawes assumed sponsorship for the semi-annual meetings of the whole administrative leadership of the executive branch, the Government Business Organization.[68] It had its counterpart in a growing number of Federal Business Associations in the field, originating from a suggestion of one of the area coördinators, immediately seized upon by Dawes. In their heyday, there were more than 250 such associations, which operated as a medium of concerted planning and action on the part of federal field agencies dealing with common management questions.

Under the influence of Dawes' contagious enthusiasm, these innovations in the earlier period unquestionably did much to put federal management on a sounder foundation. It may be noted that in each case the budget director was satisfied with spreading his ideas without committing his bureau to the necessity of supplying an extensive apparatus of its own.

3. *The Economy Campaign.* From the very start, the first budget director had linked his program closely to one of the keynotes of the Administration which had enlisted his service. Economy was the watchword of the day, and he was resolved to effect results. Under Dawes, economy became a public crusade throughout the executive branch.[69]

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these agencies was to arrogate to itself departmental responsibility and initiative for better management. All of them were to stimulate and encourage improvements in the planning and conduct of administrative business without attempting to monopolize this sphere.

[68] The meeting pattern which Dawes evolved provided for introductory remarks by the President, followed by an extensive discussion of fiscal and managerial matters by the budget director. The eighth meeting, convening in Memorial Hall January 26, 1925, was the first to be broadcast, an "appropriate program of music" being rendered by the United States Marine Band, as one reads in the fourth annual report of the budget director (1925, p. 13).

[69] The fervor of this crusade is reflected in the form in which the budget director closed the first meeting of the Government Business Organization. To quote from the record (*First Year*, pp. 18–19):

"Fellow Bureau Chiefs, are you willing, after hearing what I have said, that I should now represent you in addressing myself directly to the President of the United States with an assurance of your coöperation in his request for a reduction of governmental expenditures? If you so agree, if you are willing, will you indicate it by standing? [The entire audience arose. The President of the United States arose, followed by applause. The Cabinet and other officers on the platform also arose.]

General Dawes [continuing]. I wish to say to you, sir, that the men before you realize the cares and perplexities of your great position. They realize that at this time the business of our country is prostrated, that men are out of employment, that want and desperation stalk abroad, and that you ask us to do our part in helping

The drive for economy overshadowed even the Budget Bureau's neutrality toward policy issues. At the second meeting of the Government Business Organization, held February 3, 1922, Dawes still had asserted that "we have nothing to do with policy. Much as we love the President, if Congress, in its omnipotence over appropriations and in accordance with its authority over policy, passed a law that garbage should be put on the White House steps, it would be our regrettable duty, as a bureau, in an impartial, nonpolitical and nonpartisan way to advise the Executive and Congress as to how the largest amount of garbage could be spread in the most expeditious and economical manner."[70] Only a few weeks later, however, in the Instructions for Investigators issued by the Budget Bureau March 28, 1922, a different emphasis became evident, as the following extracts from the instructions demonstrate:

> ". . . investigations should cover not only questions of economy and efficiency which may present themselves as the result of . . . study of the administrative policies already in effect, but should extend to that of the policy itself, with a view to advising the Director of the Bureau of the Budget, for the information of the President, as to whether limitations should be put upon existing policy and what, if any, new policies should be recommended."

Policy, indeed, could not be taboo, once Dawes had proclaimed: "It is an exploded theory that the appropriations to a given department should represent its minimum of expenditures for that year," as he did in Budget Circular No. 28 of September 1, 1921. It is true that he recoiled from making governmental retrenchment his foremost concern.[71] However, the general trend toward expenditure reduction was too clearly in evidence to be overlooked. It endured for many years to come, even though declining returns were soon in sight. As early as the fifth meeting of the Government Business

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you to lift the burden of taxation from the backs of the people by a reduction in the cost of government. We all promise you, sir, to do our best—to do our best. [Applause.]

The President of the United States. I thank you all so much for your presence and your commitment to this great enterprise. [Loud applause.]"

[70] *Ibid.*, p. 178.

[71] In his report of December 5, 1921 (see note 57 above), Dawes insisted upon the priority of managerial tasks: "There is a tendency on the part of many to assume that the Bureau of the Budget is established primarily for the sake of reducing expenses. The Bureau of the Budget is designed, through its facilities for securing information, to be in a position to give impartial advice to the President and to Congress in all matters regarding the proper business functioning of Government" (p. 19).

Organization (June 18, 1923), and only one year after Dawes' departure, the President himself came forth with a suggestion of changing policy. He "closed his address by admonishing the officials of the Government not to be discouraged by constant calls for reductions and economies. He . . . said the day was not far distant when, the irreducible minimum of expenditure having been reached, consideration would be given to that expansion of governmental activity which must attend a growing nation."[72] Yet, if the day of expansion was "not far distant," its dawn failed to create a new slogan.

The settled pattern lived on. It was reënacted in subsequent meetings of the Government Business Organization. Thus, at the conclusion of the eleventh meeting, held June 21, 1926, Dawes' successor, "adhering to his usual custom, . . . cited numerous economies effected by the Federal personnel, stating that the cheerful, enthusiastic, and intelligent way in which the great problem of waste is being attacked is most heartening."[73]

4. *Administrative Reorganization.* Despite the stress he laid on general retrenchment, Dawes held no exaggerated views on the scope of tangible savings he might achieve.[74] Nevertheless, during his year of office, his attention remained concentrated on the brakes and the fuel supply rather than the intricacies of the engine itself. If, as he expressed it in his report of December 5, 1921, the Bureau of the Budget was to be used by the President as "his first agency for imposing the pressure of an Executive plan for the unified conduct of governmental routine business and for retrenchment in governmental expenditure where consistent with efficiency,"[75] no similar designation was ever contemplated with regard to administrative reorganization.

The reasons are not obscure. In this matter Dawes found himself confronted with two factors which combined to deflect his interest. In the first place, when he took office, the field appeared preempted by the existence of a Joint Congressional Committee on the Reorganization of the Administrative Branch of the Government, established as early as December 29, 1920. The committee was equipped with a mandate of inquiry as broad as that received by the Budget Bureau in the Budget and Accounting Act. Second, Dawes undoubtedly realized that there was danger in dispersing the energies of his organization over too wide a range of effort, at least during the formative period. As a consequence, he considered it wise to leave the leadership in matters of governmental reorganization to the joint committee of Congress.

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[72] *Second Annual Report of the Bureau of the Budget* (1923), p. 32.

[73] *Fifth Annual Report of the Bureau of the Budget* (1926), p. 19.

[74] In his diary, he observed: "Apart from the surplus stocks reform, the monetary saving in more economical administration will apply to a comparatively small amount of government expenditures. Such a large proportion of our public receipts is absorbed by interest on the public debt, pensions, mandatory programs, etc., that my savings, applied as a percentage on total expenditures, will seem small in public estimation" (*First Year*, p. 30).

[75] *Loc. cit.* in note 57 above, p. 9.

This course was agreed upon with the committee's chairman, Walter F. Brown, later Hoover's Postmaster General, who had become a committee member as the President's representative in accordance with an invitation expressed by joint resolution of May 5, 1921. The President, consulted in advance about the agreement between Dawes and Brown, had gladly sanctioned his budget director's pragmatic move, pronouncing it "good tactics," as Dawes tells us.[76] Thus, "in order to prevent an embarrassing overlapping and duplication of activities,"[77] no administrative studies in accordance with Sec. 209 of the Budget and Accounting Act were undertaken by the Budget Bureau, notwithstanding official recognition that this was "one of the prime functions" entrusted to it.[78]

The original idea was obviously merely to wait until the joint committee had concluded its labor—or until its authority had expired. In fact, reorganization was looked upon by Dawes as the indispensable prelude to more far-reaching and lasting accomplishments. As he wrote in his memorandum of July 16, 1921, for the President, "The plan of the Brown Committee will embody the comprehensive reform essential, in the long run, to the greatest economy and efficiency in governmental administration."[79] Up to his shoulders in work, Dawes failed to see that by leaving the committee to its limited resources he missed a precious chance of making a significant contribution to administrative reorganization.

Many months passed before the joint congressional committee obtained the concrete proposals which the President had promised it as a basis for its deliberations. His Plan for Rearrangement of the Executive Services was not submitted until February 13, 1923.[80]

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[76] *First Year*, p. 3. [77] Dawes' interim report (see note 57 above), p. 44.

[78] *First Annual Report of the Bureau of the Budget* (1922), p. 9.

[79] *First Year*, p. 34.

[80] 67th Cong., 4th Sess., Senate Doc. No. 302 (1923).

Moreover, in his letter of transmittal the President felt obliged to reveal the disunity beneath the surface of his recommendations.[81] Lacking in comprehensive conception, the plan was doomed to failure from the start because of the unresolved conflicts which inhered in it, especially with respect to the proposal for a combined Department of Defense, which had caused a serious rift in the cabinet. The only point closely related to the problem of better managerial control by the chief executive was the recommendation of transferring the Budget Bureau from the Treasury to the President—a recommendation on which there was no controversy. The joint committee considered the plan more than a year. On June 3, 1924, it presented its report, which embodied most of the President's proposals, after elimination of all political dynamite.[82] But Congress was in no mood for action.

The joint committee had relied on the Bureau of Efficiency headed by Herbert D. Brown as its staff agency. In the legislative discussion of the Budget and Accounting Act, the Efficiency Bureau, engaged in a variety of administrative projects, had hardly attracted notice. Apparently it was implied at that time that the Efficiency Bureau would merge with the Bureau of the Budget. However, the law was silent on the matter. Dawes, in his considered withdrawal from the reorganization problem, had expected only part-time service from the Efficiency Bureau. He recorded in his diary on July 15, 1921: "Had Brown, of the Efficiency Bureau, in to get his work and my own coördinated. We want everybody's help—and need it."[83] In his interim report of December 5, 1921, he also mentioned the "generous and valuable assistance" which he had received from the Bureau of Efficiency in the preparation of the budget.[84] But that was about all there was to acknowledge. Neither the annual reports of the Budget Bureau nor those of the Bureau of Efficiency disclose an intimate or carefully planned relationship between the two agencies. The latter did prepare a few studies for the former, but each only of narrow scope.[85]

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[81] As he put it, "I regret deeply the delay in placing our suggestions in your hands. It has been caused solely by the difficulty which has been encountered in reconciling the views of the various persons charged with the responsibility of administering the executive branch of the Government."

[82] 68th Cong., 1st Sess., House Rep. No. 937 (1924).

[83] *First Year*, p. 31.

[84] *Loc. cit.* in note 57 above, p. 15.

[85] In addition, the Bureau of Efficiency was utilized by the Budget Bureau for the purpose of determining conceivable duplication with respect to proposed new governmental activities. Several hundred of such activities were cleared in the course

While the Budget Bureau refrained from building up a staff to prepare administrative studies, the Bureau of Efficiency was soon drawn into other ventures. From 1923 on, it devoted much of its time to the development of the new civil service classification system by extensive personnel details to the Classification Board. Later, as an outgrowth of the act of May 16, 1928, an increasing share of its staff activity went into efficiency studies for the District of Columbia. Unsupported by a broader orientation which the Budget Bureau might have furnished, the Bureau of Efficiency stayed largely on the sidelines. It did not grow into an agency of administrative reform. And its internal strength was limited.[86] Its abolition in 1933 left no conspicuous void. The psychological moment for designing and carrying out the "comprehensive reform" which Dawes himself had regarded as "essential" was allowed to pass. This fact was not without influence on the development of the Budget Bureau.

5. *Rediscovery of Prior Purpose.* In his testimony early in 1924 before the Joint Committee on the Reorganization of the Administrative Branch, Secretary of Commerce Herbert Hoover had hinted at the danger that the Budget Bureau might soon reach definite limits to its potential usefulness. In his opinion—the opinion of a man of keen administrative sense—the danger could be overcome only if an adequate regrouping of functions should be effected within the executive branch. Economy could not be separated from concern with the general pattern of the departmental system. Improvements in routine business operations would not suffice. He cautioned:[87]

> "The fine results of the budgetary system in producing economies have now almost spent themselves unless there can be such a reorganization of Government administrative structure as makes it possible to secure better appropriation policies to eliminate overlaps and unnecessary division of functions. Moreover, whatever these reductions of expenditures may be, they are not in my mind as important as the economies to the public in its relations to the Government and in the large ability of Congress to handle certain types of expenditure with better comprehension and long-view policies."

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of the years. Only in a relatively small number of cases was any duplication disclosed.

[86] The difficulty of recruiting high-grade investigators at the available salary rate was noted in the annual report of the Bureau of Efficiency for 1926 (p. 1).

[87] 68th Cong., 1st Sess., *Hearings*, pp. 349–350.

Secretary Hoover professed a "strong belief" that the Budget Bureau should be placed "directly" under the chief executive—"That is one bureau which becomes the right arm of the President."[88] But he saw it too preoccupied with other matters to assume a leading rôle in administrative reorganization. Pleading for a long-range point of view and the greatest measure of flexibility in making organizational adjustments, he presented the committee with

> "a suggestion as to the method by which this matter could be handled with more certainty of success and assurance of accuracy not only at the present moment but for the future. This suggestion is that Congress should give authority to the President to make such changes within the limits of certain defined principles as may be recommended to him by an independent commission to be created by Congress and clothed with these authorities. . . . Then the details of transfer of individual bureaus and functions to meet these principles could be left to the President, upon the recommendation of such a commission."[89]

A helpful hint at sensible procedure, the suggestion at the same time demonstrated the extent to which the Budget Bureau, through inactivity along this line, had reduced its availability in the exploration of practical alternatives for administrative reorganization. Upon his resignation in the summer of 1922, Dawes had left behind him a well-established pattern of activity and a high-grade working organization, but no clearly defined legacy of tasks yet to be tackled. He had proved the value of the Budget Bureau as an agency aiding both directive and operative authority. He had shown that executive pressure for better management, if applied through special channels, was able to assert itself throughout the executive branch. The Budget Bureau's rôle in examining the estimates and in working toward better business administration had been placed beyond challenge. Moreover, the Bureau had gained a secure foundation for objective determinations untrammeled by favoritism and petty politics. These were unquestionably accomplishments of major proportions.

On the other hand, Dawes had not prepared the Bureau for the assumption of functions more typical of a general administrative staff agency. The broader aspects of administrative management, outside the province of economical conduct of business transactions, had not received the attention they deserved. Unwilling, and later unable, to move forward in the direction of a "comprehensive reform" throughout the entire administrative structure, the Budget Bureau was destined to make little headway toward a true correlation of departmental programs.

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[88] *Ibid.*, p. 349.

[89] *Ibid.*, p. 353.

Dawes' successor, General Herbert M. Lord, chief finance officer of the Army, had been the outgoing budget director's personal choice. Frequently consulted in the construction of the Bureau's initial approach, he was more anxious to conserve the Dawes heritage than to reach aggressively beyond it. This was true also of Colonel J. Clawson Roop, who as another of Dawes' early collaborators followed Lord later in the leadership of the Bureau.[90] Both, however, did yeoman's service in safeguarding the Bureau's authority in the face of counter-pressures and in keeping their organization active and intact.

Besides its estimates work, its supervision over the Coördinating Service, and its stewardship in bringing together the Government Business Organization, the Budget Bureau's chief concern with consistency in basic program lay in the examination of proposed legislation having fiscal implications. In accordance with the intent of the Budget and Accounting Act, the practice of the Bureau in this respect rested on extensive interpretation of the law. Budget Circular No. 49 of December 19, 1921, made it the duty of the federal agencies that "all requests or recommendations for legislation, the effect of which would be to create a charge upon the Public Treasury or commit the Government to obligations which would later require appropriation to meet them," be first submitted to the President through the director of the Budget Bureau.

As time went on, the Bureau came to operate increasingly on the basis of settled routines. The indefinite postponement of administrative reorganization deprived it of opportunities for significant self-development. In its normal business, it required an ever smaller degree of effective executive pressure. As a result, the art of applying this pressure fell into the discard. Correspondingly, the innate intransigence of the departments came to the fore again. Although the Bureau held its ground, it could no longer afford a headlong collision with departmental leadership. The Government Business Organization, devoid of special incentive, died a natural death; it ceased functioning during the Hoover administration. The Federal Business Associations kept themselves barely alive on minor housekeeping functions. The Coördinating Service likewise operated with progressively declining vigor; and its formal abolition in 1933 merely ratified the course of events.[91]

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[90] The Bureau's annual reports of the post-Dawes period distinctly reflect the spirit of conservation.

For more than ten years, the original legislative conception of the Budget Bureau as the President's general administrative staff agency remained obscured in the twilight of routine activities. Perhaps the forward-looking ideas of those who helped to formulate the Budget and Accounting Act might eventually have become mere history. However, being realistic rather than speculative, their views were likelier to gain final vindication. As governmental activities continued to grow, the President's need for greater assistance in coördinating and controlling the executive branch became more pressing.

Both the President's Committee on Administrative Management and the Brookings Institution, in their recommendations for governmental reform presented in 1937,[92] urged a reinvigoration of the Budget Bureau. Both put stress—if in varying degrees—on the Bureau's tasks in the fields of program integration on the one hand and administrative research and analysis on the other. These proposals rested on current necessities. Historically, they meant a return to the very notions which had found expression in the legislative discussion of the Budget and Accounting Act. What seemed novel and modern was in fact merely a rediscovery of prior purpose.

However, this rediscovery of prior purpose was fortunately far more than a return to the past. The President's Committee on Administrative Management did not simply echo the deliberations of the framers of the Budget and Accounting Act. It took the valid idea for which Representative Good had fought without full success and gave it both greater meaning and fuller content in the conception of the President's Executive Office. More than that, the committee was able to infuse its thinking into the new establishment created under the Reorganization Act of 1939. Incorporation into the Executive Office gave the Bureau much more than a new location. It significantly added to its opportunities as well as its standing and its influence.

For years, the general drift of administrative developments had pointed toward a thorough activation of the Budget Bureau. The abolition in 1933 of the Bureau of Efficiency and the Coördinating Service had forcefully reminded the Budget Bureau of its wider mandate. While some of the activities of the Coördinating Service were assigned to the newly created Procurement Division of the Treasury Department, others survived in different form.[93] But general responsibility for coördination was nowhere clearly lodged.

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[91] Executive Order No. 6166 of June 10, 1933.

[92] See note 18 above.

Simultaneously, new authority fell to the Budget Bureau. It was given the task of making apportionments, formerly vested in the department heads.[94] The liquidation of the shortlived National Emergency Council, decided upon as early as 1937,[95] brought with it the transfer to the Bureau of the Council's authority to examine non-fiscal legislation for conformity with the President's general program.[96] Wider functions called for a stronger Bureau. The time had come to reconsider its rôle. Budget Director Lewis W. Douglas saw the impact of the New Deal. His successor, Daniel W. Bell, though compelled to divide his time between his work in the Treasury Department and an acting directorship, made the first moves toward enlarging the Bureau's staff for more effective operation. Harold D. Smith, taking over as budget director in 1939, brought about the Bureau's reorientation.

In 1935, the Bureau's personnel still consisted of less than forty employees. But subsequent growth of staff enabled the Bureau to approximate the expectations of the framers of the Budget and Accounting Act. A divisional structure began to evolve.[97] Expenditure control, reorganized under an Estimates Division, was strengthened for searching inquiry into departmental requests for appropriations. Attention shifted to substantive issues such as the concrete value of departmental activities and the economy of effort in administrative operations. At the same time, the Bureau's assignment of balancing and harmonizing governmental activities in terms of the President's program moved into the foreground. A Legislative Reference Division was entrusted with clearance not only of proposed legislation and recommendations to the President concerning his decision on legislative enactments, but also with regard to preparation of executive orders and proclamations. Examination of questions of fiscal policy and staff assistance in the formulation of the President's financial program were assigned to a Fiscal Division, established in 1939.[98]

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[93] The Federal Board of Hospitalization eventually became a body advisory to the Budget Bureau.

[94] Executive Order No. 6166 of June 10, 1933.

[95] Executive Order No. 7709a of Sept. 16, 1937.

[96] Reorganization Plan II of May 9, 1939, pt. 3, sec. 301, together with Executive Order No. 8248 of Sept. 8, 1939 (see note 7 above).

[97] See the references cited in note 10 above.

Side by side with clarification of policy matters, emphasis was placed on scientific study of administrative problems throughout the executive branch. A small Division of Research and Investigation had been brought into being in November, 1938. Inconspicuous in its beginning, it grew into the present Division of Administrative Management. For the first time, administrative inquiry under Sec. 209 of the Budget and Accounting Act was accorded in fact the recognition expressed in the letter of the law. Besides the greater influence which the Budget Bureau began to exert in the realm of general management, new impetus was given to the integration of governmental machinery for the collection and utilization of social and economic data. This task had been attended to by the Central Statistical Board and its predecessor agencies.[99] Under the Reorganization Act of 1939, the President relocated the Central Statistical Board and its staff in the Bureau of the Budget.[100] The Board's coördinating function was continued in the Bureau by establishment of the Division of Statistical Standards.

Arising from practical needs, the Bureau's divisional machinery has proved its *rationale* in strenuous years of war development. However, it is in the nature of the Bureau's rôle as a staff agency tying into the executive branch through manifold contacts that its several divisions must work in intimate coöperation with one another. None of them can afford without impairment of its usefulness to lose itself in its particular assignments. Each must strive constantly to keep its eyes on the total picture and thus contribute to an integrated execution of the Bureau's mandate.

(*To be concluded in the next issue*)

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[98] This division concerns itself also with improved agency reporting of financial information under Executive Order No. 8512 of Aug. 13, 1940.

[99] For its background, see the Central Statistical Board's first annual report (1935).

[100] Reorganization Plan I of April 25, 1939, pt. 1, sec. 2.

STATE CONSTITUTIONAL LAW IN 1944–45

JACOBUS TENBROEK
University of California
AND
HOWARD JAY GRAHAM
Los Angeles County Law Library

For courts of forty-eight states to interpret forty-nine detailed organic acts with an eye toward maintaining limited federal government amid centralizing total war and a distracting national election, challenges not only the statesmanship of performers, but the discrimination of reviewers.

Collectively, the major state court decisions in the third year of the war point toward a resurgence of judicial power, a reëmphasis upon the rights and the place of the states and upon the legislative as opposed to the executive branch, a new period of exceptional interest and fertility in the growth of constitutional doctrine.

War, paradoxically, has bolstered as well as undermined the creed of states' rights. The pattern that has emerged from the small but growing number of federalism cases reveals state courts no longer content to make a virtue of necessity. "Little OPA" acts and ordinances are generally upheld. But expanded federal controls exercised administratively in fields long reserved to the states meet steadily mounting opposition—especially if they are not obviously crucial to the war effort or to the stability of a war economy. Even actions taken under those provisions of the Price Control Act which were deliberately framed to safeguard federal administrators from state-court interference have suffered nullification. Since the date of the Yakus and Willingham decisions, statutory construction has supplanted constitutional law as the medium for resolving those personal and delicate questions of the state judges' own powers under the Price Control act.

In the field of separated powers, state courts again have demonstrated the phenomenal recuperative capacities of the judicial branch. Self-expansion has replaced self-limitation as the dominant trend. Vigorous positive as well as negative use of judicial power has catalyzed the whole field of race relations and labor control. Not only have far-reaching steps been taken to protect minorities and restrain arbitrary and undemocratic action by "private" groups, but new discretionary formulas have been evolved to counterbalance rights based upon freedom of speech and assembly. Doctrines of "public policy" and affectation with a public interest, the latter all but moribund since Nebbia v. New York, have again been employed to "beautify results to the sufferers." Finally, as the magnitude of judicial commitments in these fields becomes clearer, strong dissent is heard both inside and outside the courts over the limits of judicial competence.

I. ELECTIONS

The United States' first wartime presidential election in eighty years focused national interest on the absentee soldiers' ballot. Of four state acts judicially construed, three were declared unconstitutional in whole or in part; the fourth survived seemingly overwhelming odds.

The first of the two pairs of cases presented an antithesis in reasoning, rhetoric, and outcome as nice as any in constitutional literature. Both turned upon the same point: Did the respective state constitutions require physical presence of the voters at the polls? Confronted with an ambiguous—perhaps even an irrelevant—constitutional provision, the majority of the New Mexico supreme court declined to overrule its conclusion, twice-declared eight years earlier, that such presence was required.[1] Confronted with a clear-cut constitutional clause which explicitly required physical presence, Kentucky's highest court nevertheless unanimously upheld a state law which authorized an absentee soldiers' vote in presidential and congressional elections.[2]

The New Mexico decision turned on the meaning of the phrase "in which he offers to vote" as used in the constitutional provision which qualifies as a voter "every male citizen . . . who is over the age of twenty-one years, and has resided in New Mexico twelve months, in the county ninety days, and in the precinct in which he offers to vote thirty days, next preceding the election. . . ." In holding that this phrase did not relate merely to a minimum period of residence in the voter's home precinct, but rather required his personal presence at the polls, the prevailing judges took the position that the question, raised by the attorney-general on behalf of absentees in military service, "reduces itself within very narrow compass." That "narrow compass" was simply to determine the

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[1] Chase v. Lujan, 149 P. (2d) 1003 (Mar., 1944).

[2] Commonwealth ex rel. Dummit v. O'Connell, 181 S.W. (2d) 691 (June, 1944).

"true intent" and the understanding of the framers who drafted, and the people who adopted, the constitutional language in 1912. As if to illustrate the weaknesses of the intent theory of constitutional construction as well as the illiberal uses to which extrinsic aids may be put, the court then proceeded to ascertain "true intent," not by viewing the constitution as a "continuing instrument of government," but by discovering what was meant by similar words in the territorial laws, in constitutions of other states as construed prior to 1912, and in "a common law rule based on immemorial usage." Arguments that the territorial laws and judicial decisions relied on were generally of the Civil War era, that since 1912 the preponderant weight of state decisions had been otherwise, that more than thirty states with similar constitutional phraseology had contrived absentee ballot laws—all were judicially rejected. Keen regret was expressed that "many thousands of our patriotic service men and women" must be thus disfranchised, but "the difficulty of bringing about a change is beyond our control . . . amendments to the constitution must be left to the people and not supplied by the courts." A constitutional provision that "the legislature . . . shall regulate the times, places, and manner of voting" the majority construed as a limited grant, extending merely to the power "to regulate the method and mechanics of voting by those who are otherwise qualified electors offering to vote in person."

In an elaborate opinion, two dissenting judges concluded that the crucial six-word phrase was intended merely to impose a residence requirement. They pointed out that, in attempting to reconcile local idealisms with Congressional desires, the elective franchise section of the constitution of 1912 had been purposely made almost unamendable, as indicated by the defeat of three attempts to authorize absentee voting by constitutional amendment. It could hardly be supposed, therefore, that the framers, the Congress, the legislature, or the ratifiers ever dreamed that language and reservations intended to safeguard the highest rights of citizenship would operate to prevent the legislature from regulating the manner, time, and places of voting. It was stressed that the majority interpretation made presence at the polls a qualification of an elector—a manifest absurdity, "irreconcilable with any rational intent."

Unique in its particularity, the Kentucky constitution provides: " . . . all elections by the people shall be by secret official ballot, furnished by public authority to the voters at the polls, and marked by each voter in private at the polls, and then and there deposited."

The question asked the state court of appeals was whether the legislature might prescribe a method of choosing presidential electors and members of Congress squarely at odds with these requirements. Not only did the court answer in the affirmative, but its answer was based on the assumption that the legislature was "so empowered by the people of the whole Union, speaking through the Federal Constitution."

Extraordinary both in tone and quality, Justice Tilford's opinion first considered and rejected the contention that three decisions of the Supreme Court already had foreclosed the possibility that the legislature might prescribe a method of choosing presidential electors and members of Congress forbidden by the state constitution. The case of Classic v. United States, extending federal control over the right to vote for representatives in Congress, was seen as having no bearing on the matter. McPherson v. Blacker, "relied upon by both parties" and involving a state statute which was not in conflict with the state constitution, proved upon analysis to be inapposite. The court did, however, quote a part of Chief Justice Fuller's opinion in this case, which in turn had quoted from a Senate report of 1874 written by Senator Morton. In this report the Indiana statesman declared categorically that the power to appoint presidential electors is "conferred upon the legislatures of the states by the constitution of the United States, and cannot be taken from them or modified by their state constitutions any more than their power to elect senators of the United States." Senator Morton thus became, altogether casually and indirectly, the authority for the basic proposition.

Much more troublesome was the third case, Smiley v. Holm. Here the Supreme Court had held the governor's approval to be essential in order to give validity to an act redistricting the state for Congressional representation—had held, in short, that a redistricting law must be enacted *in the manner* prescribed by the state constitution. But this holding the Kentucky court narrowed by a subtle distinction: Smiley v. Holm required that the "legislature must function in the *method* prescribed by the state constitution in directing the times, places, and manner of holding elections for senators and representatives in Congress . . . but it does not necessarily follow that when functioning in the manner prescribed by the state constitution, *the scope of its enactment* on the indicated subjects is also limited by the state constitution." (Italics added.) Thus, form rather than substance was the requirement here.

Having in this way overcome the first obstacle, the court next found support for its position in the history of absentee ballot legislation. It pointed out that in so far as they concerned state officers, most of the soldiers' ballot laws of the Civil War period had been found to offend some provision of the respective state constitutions. Yet notwithstanding this fact, and because of the conceived effect of Articles I and II of the federal Constitution, not only soldiers' voting laws of the Civil War period, but the absentee ballot laws of recent date, "whether upheld as to state offices or not, have been upheld as to electors of President and Vice President, and with one exception [a New Hampshire case] . . . as to representatives in Congress."

However, one serious doubt remained, apparently occasioned by the unique New Hampshire decision just mentioned. What was the meaning of the word "qualification" as used in clause 1, sec. 2, of Art. I? This clause declares that voters in each state for members of the House shall have the *qualifications* requisite for electors of members of the most numerous branch of the state legislature. Did "qualifications" mean being present and casting one's vote in person as required by the Kentucky constitution? If so, so much of the soldiers' vote law as pertained to absentee voting in Congressional elections was patently unconstitutional, for it permitted absent members of the state's electorate who are prohibited by the state constitution from voting for state legislators to vote in congressional elections. Yet again the court was equal to the occasion. It inclined to the belief that "qualifications" as here used meant "natural endowments or requirements which fit a person for a place, office, or employment, or as an elector, and that restrictions on the right of a voter to vote because of his failure to register or to vote in a particular manner at a certain time and place are limitations on the right, and not on the qualification to exercise it."

With admirable candor, the court admitted no certainty that its conclusions were correct. It chose to rest its opinion on the "axiomatic principle that all doubts as to constitutionality . . . should be resolved in favor of" the act, "a principle peculiarly applicable, when, as here, an erroneous judicial nullification could not be remedied by an appeal to the final tribunal in time to avert the destruction of valuable rights attempted to be conferred upon . . . many citizens. We are further persuaded that our course is correct by the genius of the time which points increasingly to the sacredness of the constitutional guarantees of the right of all adult Americans, without discrimination by the states, to voice their choice of Representatives. Smith, Petitioner v. Allwright, 64 S. Ct. 757, 88 L. Ed."

The contrast between the second pair of soldiers' ballot cases originated at the legislative rather than the judicial level. An insuperable obstacle to the soldiers' ballot in Virginia was the constitutional requirement that prospective registrants must "personally" have "paid all poll taxes." "No mental ingenuity" was needed, the judges declared, to perceive that an "Armed Service poll tax fund," created by the legislature in 1944 and expressly made a part of the personal estate of each serviceman, was not the source contemplated by the constitution from which payment of this tax must be made." In fact, it was simply a transparent and futile "scheme to circumvent . . . the constitution" and evade the court's earlier holding that the words "personally paid" meant voluntarily paid from the voter's personal estate.[3]

Nor were the Virginians inclined to exercise the liberality that marked the Kentucky court's construction of sections dealing with physical presence.[4] The constitutional requirement that a registrant, "unless physically unable, . . . make application to register in his own handwriting, without aid . . . in the presence of the registration officer . . . " was deemed to be "absolute." The qualification, "unless physically unable," as here used, manifestly referred "to a physical inability to make the application in the applicant's own handwriting, not to inability to be present. The purpose is . . . to enable the registration officer, a sworn official of the State, to interview the applicant and see for himself that he complies with the constitutional requirements. This purpose would be wholly defeated if the application were made before a military or naval officer."[4a]

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[3] Tilton v. Herman, 64 S.E. 351.

[4] Staples v. Gilmer, 32 S.E. (2d) 129 (Nov., 1944).

[4a] Illinois' constitution guarantees that "no elector shall be deemed to have lost his residence in the state by reason of his absence on business of the United States, or of this state, or in the military or naval service of the United States." In deciding an election contest, the state supreme court thought it was clear that "absence," as here used, meant "absence from the residence of the voter" rather than "absence from the state." Many situations were foreseen where the voter might be absent from his residence for a long period when in state, federal, or military service and

A proper exhibit for a draftsman's chamber of horrors, Montana's Soldiers' Vote Act of 1943 established a special counting procedure for those ballots received during the last five days before election day. As detailed in the statute, this procedure delayed the final canvass and final returns until *after* the dates set by both state and federal laws for the meeting of presidential electors! Section 21 then compounded the error by providing that the act should not be construed as repealing or amending any of the existing election laws, but should be regarded as supplementary thereto, adding that "in case of conflict . . . the provisions of this act shall, within its scope and purpose, prevail." Section 22 then provided for severability of any clauses or sections found unconstitutional, and section 23 repealed "all acts or parts of acts in conflict herewith."

Though all agreed that the act was unconstitutional in so far as it operated to deprive Montana of representation in the electoral college, the judges of the supreme court disagreed as to how and where the Gordian knot should be cut. The majority concluded that the special procedure for the last-minute ballots must be disregarded, and that only those ballots actually deposited in the election box before the closing of the polls on election day could be counted. This conclusion was deemed to follow from the fact that the federal constitution authorizes Congress to "determine the time of choosing the electors, and the day on which they shall give their votes, which day shall be the same throughout the United States" (Art. II, sec. 1). The sections thus "unconstitutional and void as to presidential electors" were, the majority held, "not intended to become effective as to other elected officers . . . ." Remaining sections of the act were held valid.

Without minimizing the defects and absurdities of the statute, one judge condemned the majority solution as needlessly drastic. In his view, the provision for counting the ballots received immediately before and after election day simply supplemented the general election law. Granted that the act must be construed to safeguard Montana's electoral vote, it hardly followed that the court need disregard the legislature's desire to remove as many obstacles as possible to servicemen's participation in the election.[5]

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yet not be absent from the state. Since the object of the clause was to safeguard the franchise, the narrower construction was not favored. Tuthill v. Rendleman, 56 N.E. (2d) 375 (May, 1944).

[5] Maddox v. Board of State Canvassers, 149 P. (2d) 112 (May, 1944).

Presidential Electors. Conservative Southern Democrats' hopes of preventing the reëlection of President Roosevelt by the stratagem of unpledged electors fizzled out in Texas and Louisiana. Canons of judicial non-interference were respected in both states. Following the rebels' seizure of control in the May convention, the Texas supreme court declined to force nomination of electors by state primaries rather than by party conventions, in view of the absence of express statutory requirement and the fact that the legislature, the Democratic party, and administrative officials had all construed general laws as authorizing selection by conventions.[6] Later, after the Roosevelt forces regained control in the September convention, replacing the fifteen unpledged nominees, the court ordered the secretary of state to certify the Roosevelt-Truman substitutes. No vested rights having been acquired by the May nominees, the party was free to withdraw their names.[7] Louisiana's court of appeal decided a similar case upon statutory grounds.[8]

Disqualification for Office. The rule that the legislature may not add to constitutionally-prescribed qualifications for office frequently serves as an effective instrument of judicial control. Discretion inheres in the freedom to decide whether a statute relates to eligibility to *hold office* or to eligibility to be a *candidate for office.* Often little precision or consistency is shown in maintaining this distinction. In 1939, North Dakota's legislature enacted that any person defeated in a primary election "shall not be eligible as a candidate for the same office at the ensuing general election." As applied to a candidate for governor, the supreme court thought that this requirement added to the constitutionally-prescribed qualifications for office because "if a person is not eligible as a candidate . . . he is not eligible to hold the office."[9] New Mexico's court, on the other hand, sustained, as applied to a Congressional candidacy, a provision of the closed primary law which declares: "No person shall become a candidate for nomination for any office who has changed his party affiliation within twelve months" prior to the governor's proclamation calling the election. This statute was seen as relating to qualifications to *enter* the contest, not as to qualifications to *hold* office.[10]

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[6] Stanford v. Butler, 181 S.W. (2d) 269 (June, 1944).

[7] Seay v. Latham, 182 S.W. (2d) 251 (Sept., 1944).

[8] Browne v. Martin, 19 So (2d) 421 (Oct., 1944).

[9] State *ex rel.* Graham v. Hall, 15 N.W. (2d) 736 (Sept., 1944). A recent survey shows that over one-fourth of the states have similar provisions. See Council of State Governments, *Constitutional and Statutory Provisions of the States,* Vol. 3, pp. 19–22 (Mar., 1945).

Finally, the supreme court of Texas knocked over a "scarecrow" statute which had sought to require persons "elected or appointed . . . to an executive or administrative . . . office . . . for a term of more than two years" to "resign their positions before running for any other . . . office the term of which would begin before . . . expiration" of their own. In addition to imposing tests of eligibility other than those prescribed by the constitution, this statute made the fatal mistake of applying only to "executive or administrative . . . officers"—that is, expressly exempting members of the legislature and judiciary. Lacking a severability clause, the act was voided in its entirety as a denial of equal rights.[11]

II. FEDERALISM AND WAR

Action by the state of New York and by the cities of Cleveland and Detroit in imposing criminal penalties for violations of OPA ceiling prices and other regulations has raised novel questions regarding the exclusiveness of federal war powers, the competence of the states to undertake general price-fixing, and the delegability of state legislative power to federal administrative officials. The high courts of New York[12] and Michigan[13] and an Ohio intermediate court[14] united in sustaining such state and local action, but varied widely in their opinions, their analysis of issues, and their conclusions. Though such precedents as were relied on involved only limited classes of commodities, all three courts agreed that the states possess ample authority to place maximum prices on "the necessities of life" and on commodities generally. The Michigan and Ohio courts traced this authority to the police power, which was said to be especially invokable for this purpose "during times of great economic disturbance or in time of war." The New York court, on the other hand, thought it a war power "inherent in the state."

Still less difficulty was experienced in meeting the contention that state action was precluded, because the federal government, in the exercise of its war power, completely occupied the field. Without discussing the problem directly, New York and Michigan courts disposed of it with incidental references to the absence of any federal-state conflict. The Ohio judges approached the matter more deliberately. The power had not been lodged by the constitution exclusively in the federal government; nor had it been prohibited to the states; and neither its nature nor its subjects required its exercise exclusively by the federal government. Thus it followed that the power could be exerted simultaneously by both jurisdictions in the absence of conflict. Conflict, moreover, did not result from the procedural fact that the federal law required "wilful" violation in order to establish guilt whereas the Cleveland ordinance did not.

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[10] Roberts v. Cleveland, 149 P. (2d) 120, (N.M., May, 1944).

[11] Burroughs v. Lyles, 181 S.W. (2d) 570 (June, 1944).

[12] People v. Mailman, 59 N.E. (2d) 790 (Dec., 1944) *aff.* per curiam Special Sessions 49 N.Y.S. (2d) 733.

[13] People v. Sell, 17 N.W. (2d) 193 (Jan., 1945).

[14] City of Cleveland v. Piskura, 56 N.E. (2d) 683 (Feb., 1944).

The more troublesome problem of delegation of state legislative authority to federal administrators was handled without precise analysis by the Ohio court. In the judges' view, this was simply an instance of the "long recognized" power of a legislature to incorporate and adopt "existing laws and regulation" by reference. The crucial fact that the OPA regulations in existence at the date of the adoption would change from time to time did not affect the conclusion. The Michigan court also cited the cases on adoption by reference, but went further. It maintained that the Detroit ordinance did not delegate legislative authority to the OPA, "as that office already had authority to regulate prices . . . in the city of Detroit." By adding its enforcement sanction to the federal regulations, the city "recognized the necessity and propriety of a mergence of action and reciprocity of service for the common good between the two sovereign powers . . . during the present war emergency." In New York, this aspect of the problem was complicated, first, by a constitutional clause which specifically forbade incorporation by reference, second, by an earlier case which interpreted this clause as invalidating a statute which had made the NIRA a state law upon filing a certified copy of each code, rule, or regulation with the secretary of state. The latter case the court now distinguished: The NIRA had covered only interstate commerce and the 1933 act had delegated the state's power over intrastate transactions. "In the instant case, however, the federal legislation . . . is applicable to every citizen of the United States, without regard to state lines." The constitutional clause therefore was inapplicable and the war emergency act "in essence, nothing more nor less than an enforcement measure in aid of federal legislation already binding upon all citizens of this state." For this reason also, the court declared that the state law did not violate the constitutional provision vesting the legislative power in the senate and assembly.[15]

Quite different was the view taken by an Ohio court when the question to be considered was validity of national administrative action in a field traditionally occupied by the states, and where the war effort and the stability of the national economy were less closely involved. The controversial issue was whether the federal or local government should pay for the education of the children of residents of federally-owned and tax-immune defense-housing projects. The federal public housing administrator, acting under the Lanham Act (which act directs payment to the local government of a sum approximating that which would be collected in the form of real property taxes were it not for tax exemption) and making a much lower valuation of the property than the local tax officials, had offered the school board a payment which would cover less than ten per cent of the cost of education. Concluding that the projects not only were owned by, but were under the exclusive jurisdiction of, the federal government, an Ohio court of appeals refused to compel the Euclid city board of education to enroll the children without payment of tuition "comparable to the cost of such service to other resident pupils, measured by the standard of uniform taxation, as fixed by Ohio law for all residents."[16] If defense housing, now constituting twenty per cent of the residential property in the city, should substantially increase, the court thought that a likely "practical effect of a contrary decision" would be a local tax burden "so 'undue and insupportable' as seriously to lower, if not destroy, the effectiveness of its public school system." Though "the encroachment of federal power on the rights of states and local governments has gone far . . . ," the judges argued, it has not gone so far as to strip the states of control over the public schools and the right to determine who is eligible for free education. Nor can the federal government accomplish this by "colonizing a portion of the territory within a school district . . . in furtherance of the war effort . . . ." Because they involved statutes of states other than Ohio and were on a different subject, California and Kansas cases giving residents of federal housing projects the right to vote were held inapposite.[17]

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[15] This issue of delegation of legislative power by the state legislature both to state and to federal officials was raised by a 1943 North Dakota statute under which the governor had fixed the street and highway speed limit at thirty-five miles per hour. The statute authorized the governor to take such action by executive order in furtherance of coöperation with the federal government for the prosecution of the war "when requested" by federal officers or agencies and when recommended by the state highway traffic commission. The state supreme court struck down the executive order on the ground that it was not shown that there had been a request by federal officials, thus obviating any need to pass upon the constitutionality of the enactment. State v. Johnson, 16 N.W. (2d) 873 (Dec., 1944).

[16] State *ex rel.* Moore v. Board of Education, 57 N.E. (2d) 118 (Mar., 1944).

The even more widely criticized administrative action by federal officials of the OPA found state judges equally adamant. Despite provisions of the Emergency Price Control Act which vest exclusive jurisdiction in the Emergency Court of Appeals "to determine the validity of any" regulation "issued under" the act and which expressly withhold from state courts "jurisdiction or power to consider the validity of any such regulation . . . ," several state courts have insisted upon exercising independent judgment whether the price administrator's orders are issued "under" the act, at least when those orders are not vital to the success of the national price control program. Thus, the Washington supreme court, curiously arguing that it was "unnecessary to pass" on its "right to consider the validity of the order," struck down a maximum price regulation as applied to sale of timber from state school lands.[18] The statutory issue was whether the phrase "the United States . . . or any other government," used by the price control act to define the scope of its application, includes states. In holding that it does not, the principal opinion (there were four others) couched its reasoning mainly in constitutional terms. It maintained that the legislation must be read in the light of the federal system —to prevent "encroachment on the rights and prerogatives of the several states." The legislation must also be read so as to avoid the

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[17] The Wisconsin supreme court's handling of a National War Labor Board order provides sharp contrast. The order directed a paper company to include in its union contract a closed-shop clause which a Wisconsin board order required the company to leave out. The court disposed of the federal-state conflict in a single sentence: "This order [of the NWLB], having been issued in the exercise of the war powers of the executive in time of war, supplants and operates to suspend state action in regard to the same subject matter." The court therefore ordered that "the above entitled matter remain in suspension in this court for the duration of the war or until such time as the order of the NWLB ceases to be effective." International Brotherhood of Papermakers v. Wisconsin Employment Relations Board, 15 N.W. (2d) 807 (Oct., 1944).

[18] Soundview Pulp Co. v. Taylor, 150 P. (2d) 839 (July, 1944).

"grave constitutional question" which would result were it construed as covering the state acting in its sovereign and governmental as distinguished from its proprietary capacity.

Following the Washington court's reasoning, and likewise assuming competence to pass on the validity of the order, the Idaho supreme court unanimously held the Emergency Price Control Act did not extend to states and their political subdivisions; hence a maximum price regulation was inapplicable to the sale of a county-owned tractor.[19] The supreme court of Michigan approached the jurisdictional issue more directly. Affirming, by an equal division of its membership, the judgment of a trial court that the Emergency Price Control Act does not empower the OPA to fix ceiling prices for goods sold at judicial sales, the prevailing half of the judges maintained that only regulations "issued under the act" are protected against review by state tribunals; consequently, administrative orders which are *ultra vires* are subject to state court nullification. The unsuccessful half thought it hard to believe that "the integrity of the judicial power of sovereign States is threatened" by compliance with a temporary wartime act and regulation; they therefore invoked the doctrine of comity, to which "we have long been accustomed," between state and federal courts and between "sovereign States and the Federal government."[20]

An Ohio appellate court permitted a landlord to evict a prostitute as authorized by state law without the notice required by OPA regulation on the ground that the administrator "assumed the power to regulate a matter that was not granted under the act." "Such a subject," said the court, "is always one of judicial inquiry in any court wherein constitutional rights are sought to be enforced."[21]

III. CIVIL LIBERTIES—LABOR

State and local legislation instituting registration of labor organizations and licensing of paid union organizers has resulted in decisions which have established, so far as state courts are concerned, the regulability of organized labor and have raised questions far beyond those decided by the Supreme Court in the Thomas case. In these decisions the basic and recurring question has been, What are the essential nature and distinguishing characteristics of a labor union? Is a union to be regarded as an economic, or merely as a social, organization. Are its paid business agents and organizers comparable to salesmen of mining stock and insurance, or do they more closely resemble proselytizers for religious, political, or social groups. Should the power of government be measured by the broadly discretionary "rational basis" test of due process of law or by the more rigidly restrictive "clear and present danger" test of free speech and assembly?

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[19] Twin Falls v. Hulbert, 156 P. (2d) 319 (Feb., 1945).

[20] Speicher v. Sowell, 14 N.W. (2d) 651 (May, 1944).

[21] Hurst v. Haak, 55 N.E. (2d) 594 (Oct., 1943).

Able to control only the trend of state decisions on this subject —partly because of the wartime momentum of state action, partly because of the slow and piecemeal manner in which questions reach it, and partly because of its own doubts—the Supreme Court posted a warning sign in the Thomas case, decided January 8, 1945. There, however, the licensing requirement of the Texas statute applied only to the paid solicitors of labor organizations and involved no fee, no qualifications, no administrative discretion. A five-judge majority reversed the Texas supreme court and nullified application of the statute to a union official who had come into the state solely to make an organizing speech and who collected no funds. Thus the holding of the Thomas case, narrowly confined by the facts, by the court, and by the presence of a four-man dissent, left undetermined the permissible scope of such legislation.

It hardly is surprising, therefore, that three state courts have sustained licensing requirements more general and more drastic than those in the Thomas case. In each instance, the commercial-calling theory of the character of unions was adopted and the purely social theory rejected. A California appellate court upheld[22] an initiative licensing ordinance which: (1) applied to paid solicitors for membership in all dues-paying organizations; (2) exacted a fee of $5.00 per quarter; (3) required a showing to the satisfaction of the city council that the applicant is of good moral character and not likely to resort to force, violence, threats, or coercion; and (4) prohibited the use of "force, violence, threats, menace, coercion, intimidation, or corrupt means." Reasoning from the business regulation premise, the court viewed this measure as revenue and police legislation designed to raise money and "to protect . . . citizens against dishonest and unreliable solicitors, and from the annoyance, detriment, and injury resulting from the use of force, violence, or coercion." As such, the fee was reasonable, the enactment and administration uniform and non-discriminatory, the discretion of the council adequately limited by a prescribed "standard of qualifications." The court observed that good moral character is not subject to challenge as a qualification to enter a commercial calling, and it could see "slight distinction" between that and a provision which barred those likely to use force or coercion in soliciting sales of goods or memberships. Moreover, solicitation by economic, social, or moral "threat, . . . menace . . . or . . . intimidation" lies beyond "the scope of legitimate persuasion" quite as much as its physical counterpart and equally interferes with one's "inalienable right to determine for himself what association, group, or organization he wishes to join."

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[22] *Ex parte* Porterfield, 147 P. (2d) 15 (Mar., 1944).

In a sharp dissenting opinion, one judge argued that it was not within the power of the city to forbid methods of persuasion short of physical violence, that the police power did not extend to regulation of solicitors of harmless organizations, and that this ordinance leaves uncontrolled and arbitrary discretion in the hands of the council.

Unlike the California ordinance, the licensing and registration sections of the Florida and Alabama labor-control statutes of 1943 dealt exclusively with labor and applied to both unions and their business agents. Florida's statute required unions to file annual reports with the secretary of state, showing union names, locations, and names of officers. Business agents were to secure annual licenses, which were to be granted if: (1) in the "opinion" of the licensing board "the public interest requires"; (2) the applicant has been a citizen and resident for ten years, has not been convicted of a felony, and is of good moral character. Organizations and agents each were to pay an annual fee of one dollar. After striking down the "public interest" standard as involving arbitrary power, the Florida supreme court unanimously sustained the remaining provisions.[23] Unions, unlike religious and charitable groups, do not minister gratuitously to the needs of the community; "like other trade, business, and professional groups," they "are concerned with the business of making a living," and hence they are subject to regulation measured by "the rational basis and suitable means" test, as are attorneys, insurance agents, beauty operators, nurses, and liquor dealers. Nothing unreasonable was seen in the collection of a dollar to defray the cost of registration "service," nor in collecting officially information which was common knowledge in the community, and which generally appeared on the organization's letterhead. "Good moral character and sound Americanism"—the qualification imposed on business agents—was deemed "the very basis" of "democratic institutions."

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[23] Hill v. State, 19 S. (2d) 857 (Fla., Nov., 1944).

Alabama's 1943 registration provision, also part of a far-reaching regulatory scheme,[24] required all labor organizations "functioning" in the state to file with the department of labor their local, national, and international constitutions and by-laws. Unions with more than twenty-five members must file annually with the department, and with each of their members, a report showing the number of paid-up members, the date of regular election of officers, and a complete and itemized financial statement, including the remuneration of officers. These records are not open to the public. Officers or agents of unions defaulting as to annual reports are penally forbidden to collect or receive dues, fees, or assessments. Violations of the act are made misdemeanors. Finally, an annual fee of two dollars is levied.

In upholding these provisions,[25] the state supreme court relied

[24] Alabama State Federation of Labor v. McAdory, 18 So. (2d) 810 (May, 1945).

[25] Of the numerous wartime state labor statutes regulating the internal affairs and limiting the external activities of labor unions, only Alabama's has so far been reviewed in its entirety by a state supreme court. In the decision (partly discussed above), which was watched because of the importance of the social and economic issues involved, and for its bearing on the constitutional fate of broadly similar laws in other Southern and Western states, the judges, by a four-to-two vote, sustained the act as a whole, but struck down three bitterly contested provisions. The majority sanctioned, as having "reasonable basis" in view of antagonistic interests, a drastic provision excluding, under criminal penalties, executive, professional, and supervisory employees from membership in unions which permitted it. A ban on the practice of exacting pay for work permits, which was limited to non-members of unions by an express exemption of initiation fees and dues, easily survived both general attack and the specific charge of fatal vagueness.

However, the principle of majority rule was held not to be sufficient justification for a prohibition against minority strikes. The right to strike for a legally justifiable purpose, argued the court, is personal and individual; it cannot be made to depend upon the will of others who are not the majority of a collective bargaining unit, whose connections and interests may differ from those of the striking minority, and who may not believe in or belong to a labor organization. Also invalidated was a section making it unlawful to refuse to handle or work on non-union materials. Emphasizing that the provision applied to the good faith protest of a single workman, made no reference to confederation, coercion, or malicious intent, and carried permissible heavy criminal penalties, the court held that it came close to infringing the involuntary servitude injunction of the Thirteenth Amendment and did violate "fundamental heavily on the full meaning of the word "functioning." Economically, this term was all-inclusive; it embraced collecting dues and other money, electing officers, employing agents—in short engaging in "business." True, "functioning" might embrace the assembling of members for discussion, but this was seen as "merely incidental." Finally, invoking familiar police-power rhetoric, the court defended the character of the information demanded. To deal with labor organizations, settle industrial disputes, and bring about industrial peace, the department of labor must be adequately informed concerning the nature of the organization, "its varying rules and regulations," whether it is "in fact a labor union or merely an organization seeking, for its own advantage, to assume the cloak of such a union." Similarly, the financial statement was justified both as a protection for the members against distortion and dishonesty, and because "the financial affairs of unions, particularly economically powerful unions, are matters of public concern."

Going far beyond the limited concept of licensing and registration, in view of the tradition of governmental power that it evokes, Colorado's Labor Peace Act of 1943 contained the most drastic device—compulsory incorporation. Hitherto unused except where the activity is one which could be made a governmental monopoly, the state supreme court, though divided on other aspects of the case, unanimously condemned it as "patently" over-reaching the limits of permissible regulation.[26] The act imposed a number of re-

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and basic civil rights" guaranteed by the Fourteenth Amendment. Finally, because it was inseparable from a similar restraint laid on organizations of employers which could not be included in the act without violating the "single subject" requirement of the state constitution, the court ruled out a provision forbidding union financial contributions to political parties or candidates without an independent determination of its constitutionality (AFL v. McAdory, *supra*).

Arkansas' relatively unimportant 1943 Labor Act, merely forbidding as a felony the use of force or violence or threats of the same to prevent any person from engaging in a lawful vocation, easily passed a constitutional test in the state supreme court. "No one would seriously contend," the judges thought, "that force and violence, or intimidation and coercion due thereto, are within the pale of constitutional protection." The difference between assaults directed primarily against the person and those against a person for the purpose of preventing him from pursuing an occupation was declared to be sufficient to justify the legislature in classifying the former as a misdemeanor and the latter as a felony. The second sort not only deprives one of the fruits of his labor, but "in a measure affects the entire economic fabric of the country." (Smith v. State, 179 S.W. (2d) 185 (Apr., 1944). For a comprehensive discussion of wartime state labor statutes, see, Dodd, "Some State Legislatures Go to War—On Labor Unions," *Iowa Law Review*, Vol. 29, p. 148 (1943–44).

[26] American Federation of Labor. v. Reilly, 155 P. (2d) 145 (Dec., 1944).

quirements upon the internal management of incorporated unions: annual state examination of union books; a limitation on initiation fees and dues; annual election of officers; a ban against political use of funds. The judgment did not turn, however, on the particular nature of these restrictions. The court took the broad ground that compulsory incorporation operates as a "complete, general, previous restraint" upon the exercise of the rights of free speech and assembly. Examining the federal free speech labor cases, the court declared that, while they do not "unequivocally" place the right of workmen to organize and operate as a voluntary labor association within the area of the constitutional guarantees of assembly and speech, "their purport seems to us to support the conclusion" that the device is unconstitutional because it denies to unincorporated labor unions and their individual members "any right to assemble and function as such in the promotion of their common welfare by lawful means." Unlike the Alabama and Florida judges, the Colorado court thus made no effort to restrict or ignore the holding of the Supreme Court in the free speech cases. Regulatory provisions were also striken because "inseparably intertwined" with the invalid requirement, as were sections forbidding minority strikes and certain concomitants of strikes, the mechanism established for taking the secret ballot being part of the unconstitutional feature.[27]

The problem of racial discrimination, given a new setting, scope, and urgency by war-induced demands for labor in the shipyards of the San Francisco Bay area, evoked a landmark decision in California.[28] The question was whether, in the absence of a statute, the courts might prevent a company and a union whose membership was limited to whites from carrying out provisions of a closed shop agreement, thereby forcing a thousand skilled Negro craftsmen into a non-participating, subordinate Jim Crow auxiliary. Aided by briefs of numerous and distinguished *amici curiae,* the state supreme court met these issues squarely and unanimously. It not only granted injunctive relief, but in doing so invoked two doctrines heretofore unapplied in this situation. These were the rules of public policy and the principle that monopolies and public service businesses are under a common law obligation to act reasonably and without discrimination in the matter of rates and services.

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[27] Resolving issues of a different sort, the supreme judicial court of Massachusetts declined an invitation of the city of Somerville to reconsider and repudiate the majority views expressed in an earlier advisory opinion, namely, that a statute was unconstitutional which provided for the exclusion of all married women with husbands capable of supporting them from employment in the public service. Encouraged by an apparent departure from this rule when the state court permitted a ban on married women as public school teachers, the city, by ordinance and executive policy, adopted a rule of marital exclusion from all municipal departments, expressly excepting "a married woman legally separated or divorced . . . or . . . whose husband is unable to support her, by reason of physical or mental incapacity." The judges, this time unanimously, reaffirmed the prior conclusion of unconstitutionality, distinguishing the school teacher case on the ground that it dealt "with a particular kind of public employment the nature of which was such that the exclusion of married women . . . might be found to have some rational relation to the public welfare." To bar married women as a class from all public employment of every nature, solely on account of their marital status, deprives them "of their constitutional rights to equal opportunity for selection for public employment upon grounds having no substantial relation to the public welfare." Mayor of Somerville v. Dist. Court of Somerville, 57 N.E. (2d) 1 (Sept., 1944).

Referring to the union's "master agreement," which it emphasized was in force in practically all Pacific Coast shipyards, the court declared: "Where a union has . . . attained a monopoly of the supply of labor by means of closed-shop agreements, and other forms of collective labor action, such a union occupies a quasi-public position similar to that of a public service business, and it has certain corresponding obligations. It may no longer claim the same freedom from legal restraint enjoyed by golf clubs or fraternal associations. Its asserted right to choose its own members does not merely relate to social relations; it affects the fundamental right to work for a living . . . . In our opinion, an arbitrarily-closed or a partially-closed union is incompatible with a closed shop."[29]

Buttressing this proposition was another, namely, a "definite national policy against racial discrimination." This policy the court derived from recent court decisions, from the Fifth, Fourteenth, and Fifteenth Amendments, from the President's executive order aimed at discrimination in war employment, from statutes in other states declaring unions to be affected with a public interest, finally from recent laws forbidding racial discrimination by both unions and employers. It not only lay within the competence of the courts to announce and enforce this policy without the aid of legislation,[30] but it was bootless to contend, as had counsel, that the constitutional provisions applied merely to state and not to private action.[31]

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[28] James v. Marinship Corp., 155 P. (2d) 329 (Dec., 1944).

[29] Judicial action here, the court declared, does not violate state or federal guarantees of civil liberties. The court pointed to recent Supreme Court cases restricting the free-speech protection of peaceful picketing and to the remark of Justice Brandeis in Dorchy v. Kansas, "A strike may be illegal because of its purpose, however orderly the manner in which it is conducted," for the proposition that a state may impose limitations upon concerted labor action—even upon peaceful, truthful picketing—if the end sought is condemned by state law and public policy.

The vast reach of these doctrines and commitments was made even clearer in a second decision handed down by the California court the same day. Just as, in the seventies and eighties, cases involving the right of Chinese aliens to pursue lawful callings blazed the path of substantive due process and liberty to contract,[31a] so now the Marinship doctrines for the "right to work" and affectation with a public interest showed extraordinary capacities for expansion. Indeed, the reversed interplay of the themes and economic and humanitarian forces recalled the early history of utility regulation: In the seventies the courts first invoked affectation with a public interest to bring new concentrations of capital under the police power and to sustain legislative regulation; later, in the eighties and nineties, corporate personality, liberty to contract, and other related Bill of Rights doctrines were derived from the Chinese "lawful calling" cases to ease and modify restraints in favor of business enterprise. In labor's case, the courts in the thirties first invoked the Bill of Rights formula of picketing-is-an-incident-of-free-speech to recognize and promote a sensational growth of organized labor; now in the forties the doctrines of public policy, "right to work," and affectation with a public interest, freshly reestablished in race cases, loom as judicial counters to checkmate labor's power and assure refinements of discretionary control, not by legislatures, but by courts.

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[30] The following statement was characteristic of the vaulting power of Chief Justice Gibson's opinion, the argument of which moved throughout in the grand manner, turning even embarrassments to advantage: "Although the constitutional provisions have been said to apply to state action rather than private action, they nevertheless evidence a definite national policy against discrimination because of race or color."

[31] Reëntrance of the courts into the field of labor control has not been confined to the prevention of racial discrimination. In two cases, the courts acted to restrain other forms of arbitrary and undemocratic union action. The New Jersey chancery court, with particular application to white workers seeking readmission to the union or upgrading, reaffirmed its earlier announced doctrine that unions having a monopoly of labor opportunity "must be democratic and admit to their membership all those reasonably qualified for their trade," upon compliance with rules and by-laws reasonably appropriate for the stability and usefulness of the association." Carrol v. Local 269, International Brotherhood of Electrical Workers, 31 A. (2d) 223 (Mar., 1943). A Texas court directed an international union to reinstate a local on the ground that the order suspending it, though otherwise valid, had not met due process requirements of charges, notice, and hearing. The facts were that the national president, in carrying out the union's wartime no strike pledge, had nullified the local's order suspending members who, in violation of a local working rule, had taken employment upon a military installation with non-union employees. Notice to the local that its charter would be lifted if it refused to abide by the president's action was judicially viewed as inadequate procedure. In order to maintain a "desirable" consistency with an earlier California appellate decision, the court held that, after the recalcitrant act of the local, the general organization must go further and "prefer charges against the local, give notice thereof, and conduct a hearing to determine whether or not the local should be suspended." United Brotherhood v. Carpenters Local 14, 178 S.W. (2d) 558 (Jan., 1944).

[31a] For evidence of how the "Ninth Circuit law" of the seventies promoted the growth of doctrines favorable to *laissez faire* and broadened judicial review, see Graham, "Justice Field and the Fourteenth Amendment," *Yale Law Journal*, Vol. 52, p. 851, at pp. 881–8 (Sept., 1943).

The second California case, Bautista v. Jones,[32] grew out of an attack by Los Angeles milk drivers upon the independent peddler system regarded by organized labor as a potential threat to wage scales and working conditions. Armed with "union-shop" contracts with 95 per cent of the city's milk brokers and wholesalers, union business agents brought pressure on them to deny milk to peddler-distributors who had refused to give up driving their own trucks and employ union drivers. At the same time, the union rejected the peddlers' application for membership. The question thus presented was whether it was a "legitimate objective" of organized labor, exercising economic liberty guaranteed by the Fourteenth Amendment and the state constitution, to subject *established* peddlers to such pressure while simultaneously excluding them from the union. Adverting to the Negro auxiliary case as furnishing "the starting point" and closely following the course of its reasoning, a bare majority of the judges emphasized the union's monopoly position and held the closed-shop-no-closed-union formula applicable and judicially enforceable. In the majority view, the "true answer" lay in "the realization that businessmen-workers," like Negroes, "constitute a minority group whose activities are not fundamentally inimical to the public interest or to the special interest of organized labor," and who accordingly are entitled to judicial protection. Any other holding, the court implied, would promote social cleavage, and "a decision which dooms . . . to extinction at the hands of powerfully organized labor unions" "the laundry and dry-cleaning driver, the barber and the plumber, the watchmaker and the groceryman" and "small farmers"—all business-men workers operating without the aid of employees—"cannot be lightly made." The Wohl case was distinguished: There the employers had introduced the peddler system; here the plaintiffs had entered the field years before on their own initiative; and the Los Angeles peddlers were not attempting to compete with union workers on unequal terms, the union having denied their application for membership.[33]

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[32] Bautista v. Jones, 155 P. (2d) 343 (Dec., 1944).

The opinion of the three-judge minority was a vivid exploration of such new analogues of "fair value" as "*legitimate* union activity," "*reasonable* requirements of membership," and "*appropriate* concerted action by . . . unions," as well as a forthright analysis of the still broader question of the competence of courts to achieve "piecemeal" a solution of what was essentially a legislative problem. Stress was laid on the point, curtly rejected by the majority, that application of the closed-shop-no-closed-union formula actually compelled unions either to admit persons whose interests were antagonistic to those of other members or to forego taking measures reasonably necessary to protect members from unequal or unfair competition. In the minority view, the peddlers operated a business and were "simply being subjected to the vicissitous competition of free enterprise." Unlike color of the skin, conducting an activity which labor might justifiably consider irreconcilable with its interests was not an inherent and unchanging attribute. Canons of "democratic fairness" in the operation of the free enterprise system required that unions be permitted the same scope of economic action as was in fact extended to peaceful and honest business men competing with each other.

IV. CIVIL LIBERTIES—RACE RELATIONS

One of the major facts of the war has been a strengthened attachment to civil liberties and minority rights. Gains necessarily have been spotty. Indeed, progress has been notably slow on such crucial issues as juror selection and accord of full civil rights to Negroes and Spanish-speaking groups. Yet, compared with World War I, there have been relatively few instances of mass hysteria and official or public oppression. Most important of all, broader views are being taken of what *in fact* constitutes state action; traditionally "private" law is being brought into line with "public policy" and with professed national ideals. Positive judicial controls of the type asserted by the California court in the Marinship case recognize clearly that in modern pluralistic society political power, though not always exercised in the first instance by public authority, must ultimately conform to basic standards of fairness and decency. Inertia, indifference, inaction in the face of systematic "private" discriminations, themselves constitute state action and must be judicially and politically corrected.

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[33] A concurring judge mentioned the presence of evidence that the union had been motivated by racial prejudice. [34] (Omitted; error in numbering.)

Anti-discrimination statutes adopted by New York and New Jersey in 1945, and considered in a number of other states, are themselves strong indications of the national drift. Legislative action of this type received timely judicial support in New York. In the Corsi case, decided in July, 1944, the court of appeals unanimously upheld[35] an amendment to the state civil rights law which forbids "labor organizations" to deny membership because of "race, creed, or color." Although the case turned on the narrow point whether an association of civil service railway mail workers might properly be classed as a "labor organization" under this amendment, even though excluded from the benefits of collective bargaining granted to "labor organizations" by other state acts, the court inferentially suggested its stand on the broader issues. The mail workers' own publication, it found, spoke of the necessity for collective action and labelled the unaffiliated worker "an unheard voice crying in the wilderness." Whether these statements were wholly accurate was "immaterial." "At least they are not without foundation and the Legislature does not act arbitrarily or capriciously when it determines that no association of workers, whether in industry or in the civil service, which undertakes to speak and act collectively . . . in improving wages and working standards may deny membership to a worker because of race, creed, or color, relegating him to the wilderness where he must cry unheard."

Support for minority rights and for the Good Neighbor policy materialized in California when a district court of appeal reversed the mass conviction of twelve youths of Mexican descent in Los Angeles' widely publicized "Sleepy Lagoon" case. The long and unanimous opinion[36] found the evidence legally insufficient to connect any of the appellants with the murder of another young Mexican who had died following a free-for-all fight between members of rival gangs. The opinion also censured the trial judge for failing to provide such seating arrangements—repeatedly requested by the defense—as were required to permit the twenty-two defendants to confer with counsel during the progress of the trial. Stress was laid on the fact that the California constitution guarantees the right "to appear and defend, in person and with counsel," thus substantially reinforcing the federal right to effective and substantial aid of counsel at all stages of the proceeding affirmed by the Supreme Court in Powell v. Alabama.

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[35] Railway Mail Ass'n v. Corsi, 56 N.E. (2d) 721 (July, 1944). Affirmed by U.S. Supreme Court, June 18, 1945. 13 *U.S. Law Week* 4576.

[36] People v. Zammora, 152 P. (2d) 180, (Oct., 1944).

Less helpful to the Good Neighbor policy, and sharply in contrast with the action of the California court in the Marinship case, was a humiliating display of official cynicism in Texas. In 1943, the legislature by concurrent resolution—later supplemented by a proclamation of the governor—declared it to be the "public policy" of Texas that "all persons of Caucasion Race . . . are entitled to full and equal accommodations" and that any denial of such "advantages . . . shall be considered as violating the good neighbor policy of our State." A person of Mexican descent who had been denied admission to a swimming pool learned that concurrent resolutions were not statutes; had the legislature desired to change the common law and enact a civil rights law regulating admissions to private places of amusement, it would have proceeded by "the well-known and exclusive method of enacting a 'bill'." The governor, moreover, "even in time of war," lacked power to change the existing law merely by proclamation, and no such intention was attributed to him.[37]

As if to compound this humiliation, another Texas court held that nothing in the equal protection clause nor in precedents extending back to Neal v. Delaware prevented Hudspeth county—between forty and fifty per cent of whose population is of Mexican descent—from continuing practices which had systematically prevented any Mexican-Americans from being called for grand or petit jury service for a period of more than six years. Nationality and race, the court thought, were two different things and the precedents applied only to racial discrimination. "In the absence of a holding by the Supreme Court . . . that nationality and race bear the same relation" under the equal protection clause, the statute law of Texas, fairly administered, "furnishes the guide for selection of juries in this State." The court not only ignored the fact that in skin-color differences, economic position, and social isolation there are close similarities between Negroes and persons of Mexican extraction, but also disregarded the principle that over a period of years the jury should represent the divergent elements of the community.[38]

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[37] Terrell Wells Swimming Pool. v. Rodrigues, 182 S.W. (2d) 825 (Mar., 1944).

The Supreme Court's obvious reluctance to assume a sweeping supervisory jurisdiction in cases involving exclusion of Negroes from juries in the South has been more than matched by the recalcitrant attitude of Southern appellate courts. That the resulting contest may be nearing the showdown stage is suggested by recent cases in both Texas and Georgia. Surveying the precedents from Norris v. Alabama to two recent decisions in which its own holdings had been reversed, the Texas court of criminal appeals could see established "but one legal principle"—"race discrimination in the organization of grand juries is a fact question to be determined by the Supreme Court . . . according to its own conception of the facts of each . . . case." For this reason, the Supreme Court's decisions "furnish no precedent save . . . in cases involving the same or similar fact situations." . . . Since the present record was silent "whether there were none, few, or many" Negroes upon prior grand juries in Dallas county, and having "no right by intendment . . . or otherwise, to say that no negroes, or not enough negroes, had served," the court thought it "apparent" that "no decision of the Supreme Court . . . may be looked to as a precedent here . . . ." The appellant's contention, "reduced to its final analysis," meant "'that no Negro . . . was selected and impaneled' upon the grand jury that indicted him." This contention the court found doubly unacceptable—first, because it would require that Negroes be members of grand juries that indicted Negroes, and no such decision of the Supreme Court was either warranted or conceivable; second, because it would thus bring about race discrimination, not against but in favor of, the Negro race. "Laws of Texas . . . do not require that grand juries be composed of any particular race . . . . Hence, a grand jury . . . may be composed . . . of one race, only, without being unfair or discriminatory." The court then disposed of the case, which was one of "unprovoked and unjustified killing," without statement of facts.[39]

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[38] Sanchez v. State, 181 S.W. (2d) 87 (May–June 1944).

[39] Weems v. State, 185 S.W. (2d) 431 (Nov., 1944).

If this decision was a clear challenge to the Supreme Court either to permit Texans to constitute juries as they see fit, to formulate refined quantitative standards as a guide for state action,[40] or to prepare to take an unprecedented number of appeals, the Georgia decision betrayed almost equal irritation but less effrontery.[41] Facts were undisputed: Negroes in Bibb county made up forty-two per cent of the population, less than two per cent of the jury rolls. No Negro had served on a criminal jury since 1919. None would be permitted to serve, the solicitor general had declared, "if that can be avoided." Peremptory challenges afforded the means of exclusion.

In affirming conviction of a confessed Negro murderer who argued that upon this showing he had been deprived of his rights under both the Fourteenth Amendment and the federal civil rights act, the supreme court was "led to wonder" at the outset "if the States, once sovereign, have not become . . . little more than geographical subdivisions of a consolidated government, with but a minimum of authority to regulate their own affairs, and shorn of

[40] A six-to-three decision handed down by the Supreme Court on June 4, 1945, affirming another decision of the Texas court of criminal appeals suggests that developments in the immediate future relating to discrimination in the selection of jurors in Texas may center about the practice of limiting Negro jury membership to one per jury. Though the Supreme Court majority refused to reverse the second conviction of a Negro murderer where this practice had been followed at retrial, holding instead that the record showed an endeavor on the part of state courts to comply with federal constitutional requirements, Justice Murphy, in a dissenting opinion, argued that Negroes must be "considered as prospective veniremen . . . without numerical or proportional limitation." Chief Justice Stone and Justice Black dissented *sub silentio*, and Justice Rutledge concurred only in the result. The majority, moreover, made clear that it reserved judgment whether "purposeful limitation of jurors by race to the approximate proportion that eligible jurymen of the race so limited bears to the total eligibles" violated the Fourteenth Amendment. Akins v. State of Texas, 13 *U.S. Law Week* 4467. Cf. the state court opinion, 182 S.W. (2d) 723, wherein the court declined to express any opinion whatever upon these novel issues, other than to say that the record revealed no discrimination.

[41] Watkins v. State, 33 S.E. (2d) 325 (Feb., 1945). For further evidence of the exceedingly delicate character of Supreme Court-state court relations, especially in matters affecting the South, see Screws v. United States, decided by the Supreme Court May 7, 1945. To break a threatened deadlock that would have prevented disposition of the case, Justice Rutledge unwillingly concurred in the Court's reversal of a Georgia sheriff's conviction under federal law for what everyone agreed was a brutal and revolting killing of a Negro prisoner. Strongly criticizing the position of the three-judge minority, who favored outright invalidation of the eighty-year-old section of the Civil Rights Act, as well as the position of the prevailing judges, who saved the statute by emphasis on the word "willfully," his opinion frankly referred to "the fear grounded in concern for possible maladjustment of federal-state relations if this and like convictions are sustained."

power to deal with their own domestic problems in their own way." The court quoted the view of a former chief justice that "after the state has yielded to the federal army, it can . . . well afford to yield to the federal judiciary," but Georgia had violated no rights. Its jury laws simply were more selective than most states'. Peremptory challenges had existed long before the Fourteenth Amendment. Jury service was neither a right nor a privilege, but a burden the state asked of its ablest citizens. Accordingly, Mr. Justice Black's recent reference to an "established tradition" that the jury is "a body truly representative of the community" was "news to us." "We have an entirely different conception of the jury system . . . ." The court appealed for increased restraint in Washington. "Any attempt by this court . . . to disregard . . . the adjudications of the Supreme Court . . . would be as powerless . . . as King Canute . . .. When the power to effectually resist is lacking, it is no use to kick against the pricks."

Not all Southern courts have taken such intransigent positions. The fact that between ten and twenty per cent of a parish's population was Negro but no Negro had ever served on a grand or petit jury was held by the Louisiana supreme court to constitute a prima facie case of racial discrimination which denied a convicted murderer the equal protection of the laws.[42] Dicta by the Florida court likewise evidence a coöperative attitude.[43]

V. GOVERNMENTAL ORGANIZATION AND PROCEDURE

The Amending Process. Can the people, through the legislature, bind or limit the constitutional convention? Can the legislature confer on the convention only limited powers? These questions, once answered in the affirmative by Judge Jameson in a 600-page treatise,[44] and logically almost as formidable as the chicken versus egg debate, precipitated hot controversy in Virginia. Following judicial rejection of its scheme for payment of the servicemen's tax from an Armed Forces Poll-Tax Fund,[45] the state "organization" rushed through another measure designed to head off full-fledged poll-tax repeal. This measure propounded the question whether there should be a constitutional convention, empowered (in event of an affirmative vote) to repeal and cancel the poll tax as it affected "members of the armed forces, while in active service, in time of war." Pleading need for haste and reluctance to undertake more extensive revision while servicemen were absent, the statute categorically limited the convention to these purposes, "and to no others," and delegated powers accordingly.

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[42] State v. Anderson, 18 So. (2d) 33 (Apr., 1944); same, 20 So. (2d) 288 (Nov., 1944). Cf. State v. Augusta 7 So (2d) 177 (Mar., 1942).

[43] State v. Lewis, 11 So. (2d) 337 (Jan., 1943).

[44] *Constitutional Conventions* (4th ed., 1887; 1st ed. 1867). The thesis, as indicated in the preface, developed as a counter to the pretensions of Copperhead elements who threatened to dominate Illinois conventions in 1862–66. See also Walter F. Dodd, *Revision and Amendment of State Constitutions* (1910), Chap. 3.

[45] Staples v. Gilmer, *supra*, note 4.

Upholding these limitations,[46] the court majority argued that since 1902, when section 197 (authorizing a constitutional convention upon an affirmative popular vote) was added to the organic law, it had been the people who possessed the right to call a constitutional convention; and hence it was the people by their vote, not the legislators by theirs, who actually imposed all restraints and restrictions. The court thus adopted the Jameson theory of a sovereign legislature and a subordinate convention, a theory heretofore followed only in Pennsylvania and Louisiana.

A spirited dissenting opinion by the chief justice vigorously attacked these assumptions, and made use of Professor Dodd's criticisms of the Jameson thesis. So long as the people had only two choices, one to vote "no" and the other to vote in favor of the limited convention, could it be seriously argued that the people themselves imposed the limitations? Moreover, section 197 itself precluded limitation: if its mandatory language, "to revise the constitution and amend the same," was not a prohibition against mere revision and amendment of *only a part* of the constitution, "then the English language has lost its potency." In the chief justice's view, section 197 offered the only medium to "amend and *revise* the constitution;" section 196, relied on by the majority, provided "merely for amendments."

The general authority of the constitutional convention over its expenditures and over the manner of submission of its handiwork to the people was touched on by the Missouri supreme court.[47] With respect to the power over expenditures, the court emphasized that restrictions on the incurring of obligations which were applicable to the general assembly hardly applied to a convention constitutionally authorized to "appropriate money to pay for expenditures incurred." Such expenses need be authorized in no special manner. The exceedingly broad character of the provision, "any proposed constitution . . . shall be submitted to . . . the electors . . . in such manner . . . as may be provided by such convention," likewise assured virtually a free hand to the framers. Nothing required a plan for submission to be merged into one ordinance or one resolution. Therefore the mere fact that, after creating an executive committee to wind up its affairs and supervise submission to the voters, the convention of 1943–44 had gone on and adopted various overlapping committee reports, two of which detailed matters (in slightly differing degree) otherwise within the province of the executive committee, afforded no valid grounds for an attack upon bills incurred for printing the "Address to the People" with which the convention concluded its labors.

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[46] Staples v. Gilmer (2d case), 33 SE. (2nd) 49 (Feb., 1945). Curiously neither the majority nor the dissenting opinion alluded to the fact that the basic question in this case had arisen once before in Virginia history, and that on that occasion the court by-passed it, holding merely that even though the 1901 convention had disregarded the legislature's express requirement and promulgated a new constitution without submitting it to popular vote, the constitution thus in effect was the "only rightful, valid and existing constitution of this state." Taylor v. Commonwealth, 101 Va. 829. For a critical discussion of the majority's opinion in the second Staples case, see R. K. Gooch, "The Recent Limited Constitutional Convention in Virginia," *Va. Law Rev.*, Vol. 31, pp. 708–726 (June, 1945).

Initiative. Ambiguity in California's provision relating to the initiative raised the interesting question whether petitions remained good indefinitely, and, if so, whether a measure which had once failed to qualify because of a want of signatures was automatically revitalized by a sufficient decrease in the number of votes cast at a subsequent election to bring the number secured within the required eight per cent limit. Sponsors of a retirement life payment plan which had failed to qualify in 1940 contended that by reason of the reduced vote in 1942 their measure had finally qualified; that the time for "presentation" of the petitions to the secretary of state had not lapsed, and in fact could not lapse, because the constitutional provision spoke only in the relative terms, "last preceding" and "next succeeding" general elections. These arguments the majority rejected as leading to "impossible" consequences: One year's electorate might largely determine the measures to go on the ballot in a subsequent year; roving colonies of petitioners might even concentrate on one county at a time, thus enabling measures to "qualify . . . circa A.D. 1970, or . . . 2028." One justice, granting the provision to be "unfortunately worded," protested against

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[47] State *ex rel.* News Corp. v. Smith, 184 S.W. (2d) 598 (Jan., 1945).

"narrow" constructions and urged that courts show the same respect for the initiative as for free speech.[48]

Legislative Reapportionment. In general, courts continue to approve a measure of flexible discretion in legislative redistricting and reapportionment despite the prolixity of constitutional restrictions. As an aftermath of the 1943 reapportionment, the New York courts were faced with the novel problem of determining by which of four *un*constitutional methods assembly districts should be created in the second senatorial district. The court repelled as overlooking fundamentals the suggestion that the case be decided by comparing the number of constitutional provisions violated under the various plans and accepting that violating the fewest; rather, it examined the plans individually with respect to the *nature* of the constitutional provisions abridged. A plan of the county supervisors which created two assembly districts of equal population was ruled out (although the court thought it "by all means the fairest" of the lot) because a mandatory section of the constitution—which the people had recently refused to amend—expressly forbade division of towns. A second scheme which would have placed each of the towns in a separate assembly district, one having approximately thirty times the population of the other, was rejected because it defied to a "shocking" extent a constitutional requirement that assembly districts have, as nearly as may be, an equal number of inhabitants, and because the "whole theory . . . of representative government" was thus violated. A third proposal, to do nothing and simply leave the district with one assemblyman, fared no better; that would give the inhabitants but one-half the representation they were constitutionally entitled to and would abrogate a mandatory provision that "the assembly shall consist of one hundred and fifty members." Finally, a plan to constitute the senatorial district as one assembly district which would elect two assemblymen at large was held to breach constitutional requirements that members of the assembly be chosen by single districts and that the supervisors divide counties into as many assembly districts as there are assemblymen. Emphasizing that all of these safeguards, "if strictly adhered to," would produce the very evils of inequality they were designed to prevent, the judges, following the United States Supreme Court in Smiley v. Holm, adopted this last plan as "the one possible solution," and as one carrying "into effect the basic requirements toward which all the restrictive provisions of the constitution aimed . . . ."[49]

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[48] Gage v. Jordan, 147 P. (2d) 387 (Mar., 1944).

Michigan's general legislative reapportionment of 1943 survived a constitutional challenge that the new districts, which varied in population from twenty-seven to seventy-four thousand, were unequal and that some counties which individually were entitled to a representative had been unconstitutionally combined with others to form districts. The issue was whether the arrangement satisfied constitutional requirements that districts contain "as nearly as may be an equal number of inhabitants," that they "consist of convenient and contiguous territory," and that "each county, with such territory as may be attached thereto," be entitled to a separate representative when its population equals "a moiety (half) of the ratio of representation." Arguing that a literal adherence to each of the provisions would make it impossible to adjust reapportionment to changing conditions, the state supreme court unanimously held[50] that the words "as nearly as may be" and " convenient" vested the legislature "with a reasonable measure of discretion." Moreover, such discretion had been fairly exercised despite the disparity in population of the districts. Obviously, it was not a simple matter to apportion a maximum of one hundred seats "among 83 counties in which the population is unevenly distributed, with large portions . . . congested in comparatively small municipal areas, and with counties having more than a ratio . . . interlocated between counties having less than a moiety." The court rejected contrary language in an earlier opinion and permitted the joining of counties with and without moieties. In such instances, combinations might be necessary to form districts with "convenient and contiguous territory," and the constitutional expression assured separate representatives to moiety counties "with such territory as may be attached thereto."

The New York Legislative Reapportionment Act of 1943, which increased senate membership from fifty to fifty-six by adding two senators from Kings county and four from Queens, was sustained[51] by the court of appeals as being not palpably unreasonable. The case turned on interpretation of an unamended provision of the constitution of 1894 which fixed the size of the senate at fifty, with the exception that "if any county, having three or more senators at the time of any reapportionment," shall be entitled on the constitutional ratio to additional senators, "such additional senators shall be given to such county in addition to the fifty senators." In view of legislative reliance on language in an earlier court of appeals opinion, and in view of the purpose of the constitutional clause "to restore the country districts . . . and to provide for the increased representation of the cities," the court felt obliged to uphold the legislature in its determination that "additional . . senators" were senators in addition to the number allotted to the district by the 1894 constitution, not senators in addition to the number fixed by the preceding apportionment. Also, the holding of Special Term that the phrase "having three or more senators at the time of any apportionment . . . " meant having that number before and not after the apportionment was reversed.

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[49] Tishman v. Sprague, 55 N.E. (2d) 858 (June, 1944), and earlier cases there cited.

[50] Stenson v. Dignan, 13 N.W. (2d) 202 (Feb., 1944).

[51] *In re* Fay, 52 N.E. (2d) 97 (Nov., 1943).

Legislature. Answering questions designed to remove uncertainties in case of any war emergency, the New Hampshire justices advised[52] the general court that the constitutional provision, "The Senate and House shall assemble [biennially] on the first Wednesday of [January] and at such other times as they may judge necessary," meant that the general court might "reassemble of its own volition"—that is, without the approval of the governor and council. It was pointed out, however, that the governor, by another section of the constitution, was given power to "prorogue" the legislature "from time to time, not exceeding ninety days in any one recess." Hence "although the General Court has the power to convene without the consent of the Governor and Council, the date of its resassembling may be postponed by executive action . . . ."

Like Congressmen and "shoemakers' children," state legislators may win either sympathy or censure for coveting, if not shoes, then at least patches and half-soles. In dealing understandingly with this problem, California's judges followed the lead of Washington (state), whose supreme court four years ago observed that "constitutional provisions are static, and properly and intentionally so, but the purchasing power of the dollar is not."[53] Accordingly, the California majority upheld a statute, passed in 1943, which provided: "All Members of the Legislature, when attending regular . . . or extraordinary sessions . . . shall . . . receive in addition to their salaries, actual necessary living expenses." In the prevailing view, what was here authorized was not additional compensation, but merely a reimbursement. Hence the constitutional provision "members shall receive for their services . . . one hundred dollars . . . for each month . . . and mileage . . . not to exceed five cents per mile," had not been violated. Two judges, well armed with citations, legislative as well as judicial, argued for stricter standards of compliance.[54] Such stricter standards readily prevailed in Kentucky when the legislature, in the face of constitutional clauses forbidding changes in compensation during a session and increases in public salaries during term, attempted to increase, for one session, the statutory postage allowance of members of the two houses from twenty dollars and thirty-five dollars respectively to three hundred dollars. If the smaller sums had sufficed previously, and if fifty dollars was to be adequate thereafter, the court thought the legislators had prejudiced their own case.[55]

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[52] Opinion of the Justices, 37 A. (2d) 478 (May, 1944). For more elaborate opinions to the same effect, see Opinions of the Justices, 22 N.E. (2d) 261 (1939, 3 N.E. (2d) 218 (1936), both by the supreme judicial court of Massachusetts.

[53] State v. Yelle, 110 P. (2d) 162; see this REVIEW, Vol. 35, p. 685, n. 12.

Judicial Control of Administration. In defining the nature and extent of their control over administrative action, state courts have resisted the trend toward self-limitation which has characterized recent decisions of the Supreme Court. While administrative determinations of questions of law were being accorded finality by federal courts if decided in the ordinary course of administrative routine and if found to have "warrant in the record and a reasonable basis in law," New York's court of appeals reviewed and reversed[56] a determination of the state public service commission which held a particular kind of motor haulage to be "common" rather than "contract" carriage as those terms were used in a statute subjecting both to regulation. Whether the business of a given company places it within one or the other of these categories, the court held, is a question of law, especially when the facts are uncontradicted, and in its resolution the courts must exercise an independent judgment. A three-judge dissent argued that the problem was one of applying the statutory definition "to the ever-changing methods devised by business men to attract and satisfy customers," and that when there is room for difference of opinion, "we had better leave the solution . . . to the Public Service Commission which the legislature has set up and equipped for such tasks."

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[54] Collins v. Riley, 152 P. (2d) 169 (Oct., 1944).

[55] Rhoads v. Miller, 182 S.W. (2d) 248 (June, 1944).

[56] Motor Haulage Co. v. Maltbie, 57 N.E. (2d) 41 (July, 1944).

Again, while the Supreme Court was undermining the Ben Avon doctrine that issues of confiscation in utility rate-fixing cases are constitutionally reserved for independent judicial determination, the Texas supreme court unanimously extended that doctrine, applying it to questions of confiscation in oil production prorationing cases.[57] Such questions are held to arise under Texas law whenever, as a result of a proration order, an owner is denied a "fair chance" to recover the oil under his land and it drains away to the land of another. When (as here) it is alleged that this occurs, the judges held that what is required is "an independent review of the facts by the court as in other civil actions," not merely an administrative decision which is final if supported by substantial evidence. Although the case of Crowell v. Benson was relied on and the opinion is not without ambiguity, the court apparently stopped short of requiring a judicial trial *de novo.*

Finally, in two out of three utility rate regulation cases, state courts declined to accord commissions the degree of freedom sanctioned by the Supreme Court majority in Federal Power Commission v. Hope Natural Gas Company. Arguing that the Supreme Court had lately "departed somewhat" from Smyth v. Ames with respect to selection of formulas for valuation purposes, but not with respect to segregation of classes of services, the Illinois supreme court unanimously reversed a commission rate order because it failed to treat the Illinois Central's suburban service as separate and distinct from its through service.[58] The commission had taken the position that since the suburban and through services used some facilities jointly, and since the income from the suburban service went into the general corporate funds and its expenses were paid out of them, it was but a segment of the entire system and its fair value and rates should not be separately determined. It was the three-fold view of the court (1) that the administrative finding that suburban service was an integral part of the whole system had "no substantial basis in the evidence," (2) that the commission's refusal to consider evidence showing that suburban service was independent was "fundamentally wrong as a matter of law," and (3) that the commission's exclusion of evidence tending to show that revenue of the suburban did not provide a reasonable return on the investment "constituted a denial of due process of law."

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[57] Marrs v. Railroad Commission, 177 S.W. (2d) 941 (Jan., 1944).

[58] Illinois Central Railroad Co. v. Illinois Commerce Commission, 56 N.E. (2d) 432 (May, 1944).

Faced with a problem more precisely within the facts of the Hope case, the judges of the highest Utah court adhered to the Supreme Court's holding, but narrowly restricted its rhetoric. They sustained an electric power rate order established upon a rate base calculated according to the prudent investment theory.[59] However, by examining in detail the commission's action in passing upon various items—such as fees paid to an affiliated construction concern, organization expenses, and taxes—they implied that they would demand a faithful adherence to the formula once selected, that "infirmities in the method" would not be tolerated, and that the final "impact of the rate order" was not all that counted in judicial review. A concurring judge made this implication explicit.

Generally leading the United States Supreme Court in utility regulation developments, the California supreme court, alone among the state courts, unqualifiedly followed the Hope doctrine. Quoting that case for the proposition that it is the "end result," not the method employed, which governs validity of an administrative utility valuation, the California judges upheld a street railway rate order based upon "present fair market value," determined by the price at which the company had agreed to sell the business to the city of San Francisco.[60] Unlike the ordinary public utility which is a monopoly, the one here involved was "subject to the travail of competition" with an unregulated city-owned system. Also there was strong evidence that the company, anticipating the ultimate sale to the city, had permitted excessive obsolesence, depreciation, and deterioration. These facts, the court held, rendered alternative methods for obtaining the rate base peculiarly inappropriate and frustrated any effort on the part of the company to show that the "figure selected does not bear a proper relation to the fair value of the utility," or that in taking the sale offer price as the rate base the commission acted arbitrarily. Further, by placing a heavy burden of proof on the utility, "coupled with a strong presumption of the correctness of the findings and conclusions of the commission," the court seemed to say that even in cases where confiscation is claimed, the findings of the commission will be regarded as controlling if supported by substantial evidence.

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[59] Utah Power & Light Co. v. Public Service Commission, 152 P. (2d) 542 (Oct., 1944).

[60] Market Street Railway Co. v. R. R. Commission, 150 P. (2d) 196 (July, 1944).

AMERICAN GOVERNMENT AND POLITICS

THE SERVICE VOTE IN THE ELECTIONS OF 1944

BOYD A. MARTIN
University of Idaho

One of the most controversial legislative matters considered by the Seventy-eighth Congress was the question of whether or not Congress should simplify voting procedures for service men and women. The popular feeling of the nation strongly favored giving the armed forces every opportunity to vote, not inconsistent with the necessities of war. The controversy in Congress was not restricted entirely to the constitutional question of whether or not Congress had the legal power to provide soldiers with a federal ballot by which they could vote for president, vice-president, representatives, and senators, but in addition, it raised social and political questions of great magnitude. The political significance of the service vote became increasingly apparent when the Gallup Poll announced on December 4, 1943, that the soldier vote, which favored President Franklin D. Roosevelt by 61 per cent, could break the apparent even division of the electorate between the two parties and assure Roosevelt of reëlection.[1] The social significance of liberal federal legislation on the issue was obvious, since numerous states have suffrage laws to prevent the practice of universal suffrage.

I

In 1864, as in 1944, many advisers surrounding the President believed the soldiers would vote for their commander-in-chief. The question of giving the soldier in the field the privilege of voting was considered by all of the states. At least eleven of the twenty-five Union states passed soldier-vote bills providing either for the establishment of a state commission to record votes in the field or for absentee voting.[2] Conducting elections under such circumstances did not appear difficult, as the soldiers were generally grouped into state units. In New York, the Union-controlled legislature passed a soldier-vote bill over the veto of Governor Horatio Seymour and finally secured the passage of a soldier-vote amendment to the state constitution against bitter Copperhead opposition. Three states[3] with Copperhead legislatures defeated similar soldier-vote bills. In five states,[4] the only opposition to the passage of such bills came from McClellan-for-president supporters.[5] A few states permitted the soldiers to vote by proxy.[6] Lincoln's concern about the outcome of the election was so great that he sent a special messenger to General William T. Sherman to indicate the gravity of the political situation in Indiana. He considered Indiana the only important state where soldiers could not vote, and he suggested that General Sherman allow Indiana soldiers to go home to vote. Military expediency prevented Sherman from allowing many of the Hoosiers to go home to exercise their suffrage rights, but the few regiments allowed to go home promptly voted against the Democratic Copperhead majority of the 1863 legislature which had rejected a soldier-vote bill.[7]

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[1] *New York Times*, Dec. 5, 1943.

[2] New York, New Hampshire, Rhode Island, Connecticut, Maine, Michigan, Ohio, California, Iowa, Minnesota, and Missouri. See Carl Sandburg, *Abraham Lincoln* (New York, 1939), Vol. III, p. 280.

[3] New Jersey, Delaware, and Indiana. In 1860, twenty-one of the thirty-four states in the Union excluded soldiers stationed in the state for military purposes from voting by not permitting them to gain residence while stationed in the state. Kirk H. Porter, *A History of Suffrage in the United States* (Chicago, 1918), p. 148.

Although Lincoln received 77½ per cent of the soldier vote cast, it is doubtful whether the service vote had a substantial effect on the election. He carried, in all, twenty-two of the Union states—all except Kentucky, Delaware, and New Jersey. Even though his popular plurality was only 494,567, the soldier vote was not large enough in any state to determine the outcome of the election. Of approximately 2,000,000 soldiers of all ages, a total of 150,635 voted. Of these, 116,887 voted the Lincoln-Johnson ticket and 33,748 the McClellan-Pendleton ticket. Lincoln polled 55.09 per cent of the popular vote as compared to 44.91 per cent for McClellan. It is evident that those few soldiers who voted did vote overwhelmingly (77½ per cent to 22½ per cent) for their commander-in-chief.[8]

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[4] Rhode Island, Connecticut, Maine, Michigan, and Ohio.

[5] Carl Sandburg, *op. cit.*, p. 280.

[6] Statement made by Senator Scott W. Lucas, *Hearings Before a Subcommittee of the Committee on Privileges and Elections, United States Senate, 78th Cong., 1st Sess., on S. 1285, Voting In Time of War by Members of the Land and Naval Forces* (Washington, 1943), 44.

[7] Carl Sandburg, *op. cit.*, pp. 281–282.

[8] These election data have been computed from information in Theodore W. Cousens, *Politics and Political Organizations in America* (New York, 1942), p. 173; Carl Sandburg, *op. cit.*, p. 568; Carl Sandburg, *Storm Over the Land* (New York, 1942), p. 316; Lee Norton, *War Elections, 1862–1864* (New York), p. 45; and Congressmen John Jacob Rogers, *Cong. Rec.*; Vol. 56, 66th Cong., 2nd Sess. (1918), 6166.

Senator Scott W. Lucas states that the soldier vote in 1864 affected one state election, i.e., in Maryland. The soldiers were responsible for the adoption of the Maryland constitution by a majority of 475, which came wholly from the soldier vote in the field. A few minor offices such as probate judges and prosecuting attorneys were determined by the service vote, which was responsible also for the election of one congressman in Michigan. See remarks of Senator Scott W. Lucas, *Hearings Before a Subcommittee of the Committee on Privileges and Elections, United States Senate, 78th Cong., 1st Sess., on S. 1285, Voting in Time of War by Members of the Land and Naval Forces* (Washington, 1943), 45.

II

Both Congress and the Administration took less interest in the soldier-vote issue in the congressional election of 1918 than they took in either the presidential election of 1864 or that of 1944. Two bills were introduced in the House, one to create a Federal Election Commission to supervise casting, receipt, and transmission of the soldier and sailor vote,[9] the other to permit citizens of the United States absent in military service to vote for president, vice president, and other officers.[10] Neither was acted upon.

On May 18, 1918, the War Department announced that it would not conduct or supervise the taking of the service vote, but that it would coöperate with all states which established adequate agencies of their own for the conduct of the election process. The state machinery had to be practicable. The War Department would not punish the states which established practicable methods because other states established impracticable methods. "If it is possible to work out a plan, it will apply to the American Expeditionary Forces," stated the Secretary of War.[11] In an earlier statement (April 22, 1918), the Adjutant General, H. P. McCain, had outlined the Army's attitude on the taking of the soldier vote. The commanding officers within the United States were to coöperate with the proper state officials in conducting the election for men within each camp from each state, both in the primaries and in the general election. But he stated that the Department had decided that the soldier vote could not be taken in France or on other foreign soil in the theater of war without serious interference with military efficiency.[12] The discrepancy between the statements of the Secretary and of the Adjutant General with regard to soldiers on foreign soil caused considerable confusion. What was the official policy of the Department of War?[13] McCain had not said that soldiers on foreign soil would be denied the privilege of voting, and Baker had said they would be allowed to vote if a workable plan could be arranged. New York proceeded to create a New York Overseas Board to go abroad to take the vote of New York soldiers. But the day before its embarkation the War Department clarified its policy and prevented the Board from sailing. No states were allowed to poll the vote of soldiers on foreign soil.[14]

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[9] H.R. 12741, *Cong. Rec.*, 65th Cong., 2nd Sess., Vol. 56, Part 9 (1918), 9288.

[10] H.R. 10712, *Cong. Rec.*, 65th Cong., 2nd Sess., Vol. 56 (1918), index to *Record*, p. 96.

[11] *Cong. Rec.*, 65th Cong., 2nd Sess., Vol. 56, Part 7 (1918), 6792; *New York Times*, May 19, 1918.

[12] *Cong. Rec.*, 65th Cong., 2nd Sess., Vol. 56, Part 6 (1918), 5886.

[13] *Cong. Rec.*, 65th Cong., 2nd Sess., Vol. 56, Part 6 (1918), 5952–5953 and 6166.

[14] *New York Times*, Sept. 24, 29, 30, 1918, and Oct. 1, 1918. There has been considerable speculation over how the soldiers on foreign soil would have voted had they been permitted to vote. Those who accepted the results of the New York

The servicemen who voted in 1918 did so under state provisions, either by state agencies established in military camps or through absent-voting laws, and largely the latter.[15] By 1917, twenty-eight states had passed absent-voters' laws with varying provisions. These could be classified into six different types: (1) those applying to men in the military service of either the United States or the particular state,[16] (2) those applying to men in military service but not in the Regular Army,[17] (3) those which applied to civilian electors only,[18] (4) to those in the military service on the Mexican border,[19] (5) to civilians away on business,[20] (6) to public officials, such as judges, away on official business.[21] Of these twenty-eight, only ten (the first group) provided for voting by soldiers in the Regular Army.[22] However, neither the number nor the precentage of servicemen voting within the United States is known. In some states their votes were not counted separately, and no total computation of their votes in the other states has been made. It is evident, however, that, with the difficulties involved, such as the problem of establishing state election commissions in each military camp and the general absentee-ballot red tape of voting through the mail, a very small percentage of the service-

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gubernatorial election as indicative of the political attitude of soldiers claimed that Congress would have gone Democratic had all the eligible soldiers been allowed to vote. In New York, where the soldier vote was counted separately, the soldiers gave Alfred E. Smith 16,674 votes to 9,297 for Governor Charles S. Whitman. See *New York Times*, Dec. 18, 1918, and Jan. 5, 1919, for election data. According to Congressman John Jacob Rogers of Massachusetts in 1918, 80 per cent of the Canadian troops located in Canada voted for the Government, while 92.80 per cent of those in France voted for the Government; and 95 per cent of the Canadian troops in Great Britain voted for the Government. *Cong. Rec.*, Vol. 56, 66th Cong., 2nd Sess., (1918), 6166–6170.

[15] Absent-voters' laws were not new. They had been used in both the Civil War and in the Spanish-American War for soldiers and sailors. In 1896, Vermont extended the privilege to civilians. The movement was taken up by Western progressives, with Kansas leading the way in 1901. By 1942, forty-five states had absent-voters' laws of some kind. See series of articles on this subject by Professor P. Orman Ray, in this REVIEW, Vol. VIII (1914), pp. 442–445, XII (1918), pp. 251–261, and XVII (1924), pp. 321–325. In the same periodical, see Charles Kettleborough, "Absent Voting," XI (1917), pp. 320–322. See also William T. Donaldson and L. H. Roseberry, "Absent Voting," *National Municipal Review*, III (1914), pp. 733–737, and Edward McChesney Sait, *American Parties and Elections* (3rd ed., New York, 1942), p. 704.

[16] Delaware, Kansas, Michigan, Nevada, New Jersey, New York, Pennsylvania, Rhode Island, South Dakota, and Utah.

[17] Connecticut, Maine, and Nebraska.

[18] Iowa, Minnesota, Missouri, Montana, North Dakota, Oklahoma, Oregon, Vermont, Virginia, Washington (to only those twenty miles distant from their precinct), and Wisconsin.

[19] Massachusetts. [20] Wyoming. [21] Tennessee.

[22] Computed from *Absent Voting*, 64th Cong., 2nd Sess., Sen. Doc. No. 659.

men voted in the 1918 congressional elections.[23] It was claimed that there were approximately 2,000,000 voters abroad on election day.[24]

III

Judging from pressure-group activities, congressional hearings, and the general political demands of the public, the people by 1942 expected service personnel to be given the privilege of voting. The magnitude of the problem of placing a ballot in the hands of every qualified elector in the service seemed astronomical. By November, 1942, American service personnel had spread to the four corners of the earth. Not to mention the uncertainty of the overseas mails, it appeared a physical impossibility to have several million men and women vote through a maze of forty-five (in 1942) absentee-voters' laws when these persons were scattered among all allied fronts. Forty-five states could not send ballot commissions to every camp in the world where United States forces were located. It was reported that one battalion in Italy—and it was not unlike many others—contained men from thirty-nine states.[25] Other obstacles were even more difficult to surmount. The absent-voting laws were not uniform. In 1942, all states except Delaware, Kentucky, and New Mexico permitted absent voting. But even though a number of states had liberalized their absent-voting laws, the difficulties were still great. Only thirty-four states permitted absent voting for federal, state, and local elections. The remaining eleven maintained other restrictions not imposed by the thirty-four. For example, servicemen from Florida were required to mark their ballots and mail them within the boundaries of the state. Other states restricted the absentee ballot to general elections, or to primary elections, or to voting for presidential electors.

All states except Arkansas, Texas, and Vermont required registration. In eighteen states, personal registration, even for servicemen, was required. Five states had periodic registration. In thirty-five, the ballots of servicemen had to be back in the possession of the proper election officials by election day. The number of days between the date when applications for ballots were received and the date when ballots had to be back varied from twelve in Vermont to ninety in Connecticut; twenty-seven states allowed a minimum of thirty days between these two dates. The difficulty of meeting such requirements is obvious, when even in peacetime regular round trips for mail from San Francisco to Sydney, Australia, require about forty-two days. Only twenty-four states allowed military officers to attest to ballots for servicemen. Only two poll-tax states, Mississippi and South Carolina, exempted servicemen from that tax.[26]

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[23] In thirteen states, there was no legal provision to keep soldiers from other states from voting if they fulfilled the residence requirements of the state. However, very few were located long enough in a state to meet the residence requirement. See article by Mary Sumner Boyd, "Suffrage for Soldiers," *The Woman Citizen*, Vol. I, pp. 314–315 (Sept. 22, 1917).

[24] See Thomas F. Logan, "Soldier Vote In War," *American Economist*, Vol. 62, pp. 122–123 (Sept. 6, 1918).

[25] *United States News*, Feb. 11, 1944.

It was in an effort to overcome these difficulties, differences, and the inevitable inequities arising therefrom, that on September 16, 1942, Congress passed Public Law 712 of the 77th Congress.[27] This statute permitted every individual absent from his place of residence in time of war, and serving in the land or naval forces of the United States (including the members of the Army Nurse Corps, the Navy Nurse Corps, the Women's Navy Reserve, and the Women's Army Auxiliary Corps), who was eligible to register for and was qualified to vote at any election under the state law of his residence, to vote for electors for president and vice-president of the United States, United States senators, and representatives in Congress. State registration and poll-tax laws were not to be applicable to persons voting the "war ballot," a ballot prepared by the secretary of state in each state. However, applicants were required to meet all other suffrage requirements of their respective states. The Secretary of War and the Secretary of the Navy prepared and distributed to all members of the armed forces application post-cards for the "war ballots," the serviceman returning his card to the secretary of state of his state of residence; and the applicant's signature on the card had to be certified by a commissioned officer. Upon receipt of the application, the secretary of state mailed the official "war ballot" to the elector; and the ballot contained, in addition to the federal offices to be voted upon, any state and local offices, as well as any questions, such as initiative and referendum measures, that the state authorized to be voted upon. The ballot was marked and then returned to the secretary of state of the state of the voter's residence. Members of the land or naval forces were allowed to vote by absentee ballot according to the laws of the state if they wished, thus disregarding the federal law.[28]

The results of the federal law were extremely disappointing. Only 137,686 application cards for federal "war ballots" were received; and only 28,051 servicemen received the ballots and got them back according to the provisions of the state laws. Consequently, only 20.5 per cent of the total applications were effective—a figure comparing badly with a total vote in the nation of 29,448,320 in 1942.[29] The number voting according to state absent-voting laws is not known. However, all incomplete reports would indicate that it was very small.

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[26] The author is indebted to the Office of War Information, *State Absentee Voting and Registration Laws* (Washington, D. C.), Sept., 1942, pp. 2–12, for these data on state absent-voting provisions.

[27] *United States Statutes at Large*, Vol. 56, p. 753.

[28] For a good brief summary of Public Law 712 of the 77th Congress, see *Soldier-Sailor Voting* (Chicago, Council of State Governments, Dec., 1944), pp. 5–6.

The Bureau of the Census explained this limited participation on four grounds. First, the late date of the passage of the act (September 16, 1942) prevented some states from coöperating, because they did not have time to change their own election laws. Second, if the states had absentee laws, the service personnel could vote under the provisions of either the federal law or the state law. Third, the off-year elections in the South draw less public interest than the primary election, which usually determines the final result. Fourth, it was questionable whether the laws of the states coöperating allowed enough time for the armed forces to obtain and return ballots.

IV

Before election day in 1942, it was apparent that the percentage of soldier voting would be almost infinitesimal. On October 24, the United Press predicted that fewer than two per cent of the 5,500,000 men in the armed services would vote on November 3.[30] It soon became evident that the service personnel and the public expected something to be done to enable those in the armed forces to vote in 1944. The first Green-Lucas bill (S. 1285) was introduced on June 9, 1943, and during the following autumn hearings were held on the question of strengthening the federal law. On January 4, 1944, President Roosevelt, in a special message to Congress, urged the passage of more effective federal legislation. He recommended either the Green-Lucas bill (S. 1612) or its companion, the Worley bill (H.R. 3982). He deemed such legislation necessary if the service personnel were to vote, because of the failure of Public Law 712 and because only nine states would have regular legislative sessions before the November election.[31] The Green-Lucas bill (S. 1285), prepared with the advice of the War and Navy Departments and of the Association of Secretaries of State, caused the greatest controversy of any of the proposed bills because it contemplated the greatest inroad on the states in matters of suffrage determination and election administration. Its passage would have amended Public Law 712 by making numerous changes. First, it would have provided for the establishment of a bipartisan War Ballot Commission to facilitate the administration of the act. Second, the voter would not have needed to apply to his secretary of state for an absentee ballot. Instead, blank ballots would have been distributed in advance by the War Ballot Commission; and the voter would have marked the ballot and returned it to the secretary of state of his state. Third, the simplified ballot would have been available also to members of the merchant marine and to civilian employees of the United States overseas as well as to members of the armed forces. Fourth, the measure would have limited federal participation to general elections at which federal officers were chosen, because of the variation in dates for special and primary elections. State laws requiring the payment of a poll-tax as an electoral qualification would have been set aside, although in every other respect the voter was to be "eligible to register and qualified to vote" in the state of his residence. The proposed federal war ballots would have provided for voting for candidates for electors of president and vice-president, and for candidates for the United States Senate and House of Representatives; and the voter could vote by specifying on the ballot either the names or the political party of the candidates of his choice. The bill would not have denied service personnel the opportunity of voting under regular state absent-voting laws. On the contrary, if the voter desired, he was to be allowed to apply for a state ballot by post-card, much as under the procedure in 1942.[32]

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[29] Bureau of the Census, *Elections, 1942*, No. 3, "The Soldier Vote in 1942" (Aug. 1943).

[30] *New York Times*, Oct. 25, 1942.

[31] Message from the President of the United States, "Absent Voting in Time of War by Members of the Armed Forces," 78th Cong., 2nd Sess., House of Representatives, Doc. No. 386. During October and November, 1943, the House Committee on Election of President, Vice President, and Representatives in Congress held hearings on six bills introduced to amend Public Law 712: H.R. 3436, H.R. 3876, S. 1285, H.J. Res. 190, H.R. 3210, and H.R. 3361. During October and November, 1943, and January, 1944, the Senate Committee on Privileges and Elections held hearings on three bills for the same purpose: S. 1285, S. 1612, and S. 1614.

Washington was soon seething with controversy over the issues involved in the Green-Lucas bill: politics and constitutionality. Generally, the Democrats, with the exception of certain states' rights adherents, favored the measure, believing that a majority of the members of the armed forces would support the Administration. Generally, the Republicans, with certain exceptions, were opposed to the federal ballot—and in most instances for the same reason that the Democrats favored it. Numerous Southern Democrats opposed the bill principally because it would enfranchise thousands of persons who could not qualify under state laws, especially Negroes. Once the authority of Congress was extended to determine suffrage qualifications, on lines of the state poll-tax features of the Green-Lucas bill, the states would lose their power to prevent universal suffrage.

The question of the bill's constitutionality was difficult to decide. The Supreme Court had long held that the power to determine suffrage qualifications belongs to the states, subject to the limitations of the Fourteenth, Fifteenth, and Nineteenth Amendments.[33] In recommending the second Green-Lucas bill (S. 1612), the President said there was nothing in the bill which violated the rights of the states—that it merely provided that the federal government should furnish the machinery for getting the ballots to the troops and back again.[34] The President and most congressmen favoring the bill assumed it to be constitutional if Public Law 712 was constitutional. Public Law 712 had set aside state registration and poll-tax requirements for voting the "war ballot." The constitutionality of the bill was alleged also because it was a wartime measure and could be sustained on the basis of war powers. It was claimed by the Lawyers' Guild that the measure was just as legal as the Soldiers' and Sailors' Civil Relief Act, which also is based on war powers.[35] The exact limits of the war powers have not been determined. It is apparent, however, that in peacetime the courts have protected the power of the states to determine suffrage qualifications, subject to constitutional limitations, even though Congress may at any time alter state provisions regulating "the times, places, and manner of holding elections for senators and representatives." If the war powers do not include the power of Congress to determine suffrage qualifications in wartime, Section 102 of Title I of the original Green-Lucas bill (S. 1285), waiving the poll-tax, was unconstitutional.

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[32] For a copy of the bill, see *Hearings Before Subcommittee on Privileges and Elections, 78th Cong., 1st Sess., on S. 1285* (Washington, 1943).

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[33] In 1875 (Minor v. Happersett, 21 Wallace 162), the Court held that the privileges and immunities clause of the Fourteenth Amendment did not add suffrage to the privileges or immunities of citizens of the United States. Rather, it protects citizens of the United States against the impairment by the states of the privileges and immunities they enjoyed before the passage of the Amendment. Twenty-five years later, in Maxwell v. Dow, 176 U. S. 581 (1900), the Court reaffirmed its interpretation when it held: "The right of suffrage and the right to hold an office under authority of the State, unlike the right of a citizen to engage in a gainful occupation, is not considered, as a general rule, a privilege or immunity belonging to a citizen of the United States, nor an inherent or natural right existing in the absence of a constitutional provision or legislative enactment. It is rather considered as a political privilege or civil right under the control of the state, which it may regulate or restrict, so long as the right of suffrage is not denied to any person on account of race, color, or previous condition of servitude."

In *Ex Parte* Yarbrough, 110 U.S. 651 (1884), the Court stated that Art. I, Sec. 2 of the Constitution does not determine qualifications; instead, it clearly provides that state electors permitted to vote for members of the most numerous branch of the state legislature may vote for members of the House of Representatives. However, the electors owe their right to vote for members of Congress to the Constitution and not to state law, held the Court. In interpreting the Fifteenth Amendment (Guinn v. United States, 238 U.S. 347), the Court stated that the Amendment gave no right of suffrage. It did not take away from the states the power over suffrage which they had before its passage; it merely restricted either the United States or the states from denying the privileges of voting on account of race, color, or previous condition of servitude.

In Smith v. Allwright, 88 L. Ed., advance opinion 701 (1944), the Court reaffirmed its former ruling that the states control suffrage qualifications subject to prohibitions of the Constitution. In holding the Texas white primary illegal, the Court said: "A state is free to conduct its elections and limit its electorate as it may deem wise, save only as its action may be affected by prohibitions of the Federal Constitution or in conflict with powers delegated to or exercised by the national government." In United States v. Classic, 313 U.S. 299 (1944), the Court again upheld this view when it stated: "The right of the people to choose Representatives in Congress is a right established and guaranteed by Art. 1, Sec. 2, of the Constitution and hence is one secured by it to those citizens and inhabitants of the State who are entitled to exercise the right."

The entire issue of the *Congressional Digest*, June–July, 1944, is devoted to the national election, with considerable emphasis on federal vs. states' rights and the soldier-vote issue. For an article holding that the poll tax is a tax and not a qualification, see "H.R. 7 to Outlaw the Poll Tax in Federal Elections is Constitutional," *Lawyers' Guild Review*, Vol. 3, pp. 9–15.

[34] *Op. cit.*

The Green-Lucas bill (S. 1285) was defeated by the Senate on December 3, 1944, as being unconstitutional. Instead, the Senate passed the Eastland-McKellar-McClellan bill, which left the voting program to the states and their laws. Then the Senate attempted to replace this bill with the second Green-Lucas bill (S. 1612), which would allow the states the power to determine the validity of the federal ballots that were cast. But the House Election Committee, dominated by states' rights Republicans and Southern states' rights Democrats, had become interested in the Eastland-McKellar-McClellan bill. Representative John E. Rankin, chairman of the Committee on Election of President, Vice President, and Representatives in Congress, sponsored a states' rights bill which met the approval of the House. The Senate reversed itself and finally passed S. 1285 after it had been substantially altered by the Danaher amendment, which provided for a federal ballot for the overseas forces if the state certified it, and only after the voters had applied for a state ballot prior to September 1, without receiving it by October 1. The amendment, a states' rights measure, limited the use of the federal ballot in the states to servicemen whose states failed to set up adequate machinery. The bills were sent to conference; the Senate approved the conference report (an amended S. 1285) on March 14 by a vote of 47 to 31; the House approved it on March 15 by a vote of 273 to 111.[36]

President Roosevelt was confronted with determining whether or not the proposed measure would permit a greater percentage of the service personnel to vote than would Public Law 712. He immediately telegraphed all the governors of the states to learn whether or not state laws would permit use of the federal ballot. The replies were widely divergent, and he allowed the measure to become Public Law 227 on April 1, 1944, without his signature.

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[35] *Cong. Rec.*, Jan. 13, 1944, A. 158.

[36] For details of the debates and votes, see *Cong. Rec.*, 78th Cong., 2nd Sess., (1944), Feb. 3–Mar. 15. See also two articles by C. P. Trussell in *New York Times*, Jan. 23 and Mar. 19, 1944; also, in the same paper, an article by Luther Huston, Feb. 6, 1944.

V

Public Law 227 provided for the creation of a United States War Ballot Commission consisting of the Secretary of War, the Secretary of the Navy, and the Administrator of the War Shipping Administration—a unit quite distinct and separate from the three agencies even though their heads comprised its membership. The Commission collected election data, had the federal war ballots and other election materials printed, received the state certifications, compiled the list of candidates for federal office from states which certified the federal war ballots, prepared the post-card applications for state absentee ballots, and received the statistical reports from the foregoing agencies and from the secretaries of state of the several states. The interpretation of the law and supervision and administration of its provisions were performed by the Secretaries of War and Navy and the Administrator of the War Shipping Administration. Actual administration of the law for the general election of 1944 was carried out by a Coordinator for Soldier Voting located in the Secretary of War's office, by a War Ballot Office located in the Secretary of the Navy's office, and by the Administrator of the War Shipping Administration. The War Department distributed the federal ballots and the application post-cards for state absentee ballots to personnel of the Army, to personnel of the merchant marine on Army-owned or Army-controlled vessels, and to certain "attached civilians" eligible and desiring to vote. The Navy did the same for all naval personnel, certain members of the merchant marine (largely those merchant vessels carrying naval or military armed guard crews), and certain "attached civilians." The War Shipping Administration delegated most of its functions to the Secretaries of War and Navy, itself functioning "only with respect to eligible seamen on vessels outside the United States having no gun crews," and "eligible seamen ashore outside the United States for hospitalization, reassignment, and repatriation."[37] The federal ballot was limited exclusively to overseas personnel.

Neither the exact percentage of eligible service personnel under existing service ballot laws nor the total number who voted under these laws is known at this time. The actual number of eligibles taking advantage of the federal war ballot was extremely small. Only twenty states certified the federal war ballot.[38] All forty-eight states provided procedures of voting for eligible service personnel before the general election; early in 1944, thirty-eight states either passed absent-voting laws or amended their former laws to provide more adequately for service voting. Consequently, the federal ballot could not be used within the United States. The total number of federal ballots voted by service personnel from the twenty coöperating states was 111,773. Of these, 68,486 were executed under the administration of the Army, 43,050 under the administration of the Navy, and 237 under the administration of the War Shipping Administration; and of the total, the secretaries of state received 104,050.[39] The estimated number of service personnel of voting age was 9,225,000,[40] of whom 6,400,000 were under Army voting jurisdiction and 2,824,781 under Navy voting jurisdiction. Of the 179,000 persons in the merchant marine, approximately 25 per cent were under voting age; most of those eligible and who wished to vote did so under the program of either the Army or the Navy. Approximately 4,900,000 of the estimated 9,225,000 of voting age were overseas, and only those resident in one or another of the twenty coöperating states (only nineteen states permitted members of the merchant marine to use the federal ballot) could vote the federal ballot. There were approximately 1,300,000 soldiers of voting age overseas from the twenty coöperating states, i.e., 37 per cent of the total of voting age overseas. The Army reports that 5.3 per cent of these used the federal ballot.

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[37] Report of the *United States War Ballot Commission*, 79th Cong., 1st Sess., Sen. Doc. No. 6.

[38] California, Connecticut, Florida, Georgia, Maine, Maryland, Massachusetts,

The number of service personnel voting state absentee ballots is not known. Only twenty states reported keeping a separate count of their absentee service ballots. Of these, ten certified the federal ballot, and ten did not. In these twenty states, 1,533,942 servicemen, or 35 per cent, used the state ballots, as contrasted with the 5.3 per cent (from ten of the states) who used the federal ballot.

It is evident that the results from Public Law 227 were very disappointing, but equally, that the federal agencies made every effort to carry out the provisions of the act effectively. The most satisfactory consequence of the federal law was that it prompted the states to provide adequate absent-voting laws, especially those bitterly opposed to federal intrusion in elections. And it may be added that the combined overseas service vote, federal ballots and state ballots, was larger than most observers expected.

According to an estimate resulting from a nation-wide survey by the *New York Times*, on the basis of reports from correspondents in state

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Michigan, Nebraska, New Jersey, New Hampshire, New Mexico, North Carolina, Oklahoma, Oregon, Rhode Island, Texas, Utah, Vermont, and Washington.

[39] All data concerning the federal war ballots are either taken directly or are computed from data appearing in reports of the Secretary of War, the Secretary of the Navy, the Administrator of War Shipping Administration, and the United States War Ballot Commission. All of these reports appear in the report of the *United States War Ballot Commission, op. cit.*

[40] *Ibid.*, computed from figures appearing on pp. 43, 77, 80, and 81.

capitals, approximately 4,400,000 federal and state absentee ballots were cast by service personnel,[41] including those in the United States as well as those overseas. If this estimate is accurate, approximately 48 per cent of all eligible service personnel voted. However, the Secretary of War reported the total service vote for ten states which did not recognize the federal ballot as only 35 per cent of servicemen of voting age in those states. In any event, as already remarked, the service vote was larger than expected, even though the number of servicemen overseas from the twenty coöperating states taking advantage of the federal ballot was very small.

THE DESERTED PRIMARY IN IOWA

KIRK H. PORTER
State University of Iowa

For many years it has been apparent to the most casual observer that relatively few candidates for county office appear in the Iowa primaries.[1] Very frequently indeed, only one aspirant for nomination will have his name on a party ballot as a candidate for a given office; and often there will be no candidate at all on the other party ballot for that office. This means, of course, in the first case that there is no contest whatever in the primary; and in the second case that there is no contest either in the primary or in the general election which follows. In other words, the lone candidate gains office merely by filing nomination papers. It is the purpose of the present article to present the essential facts with respect to the Iowa primary of June 5, 1944, and to venture some comments as to their implications. Only county offices will be considered.

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[41] See article by Leo Egan, *New York Times*, Dec. 10, 1944. According to the *Times* survey, a total of 3,094,042 service ballots were received in thirty states. In 1940, these thirty had approximately 70 per cent of the population of the country. If the same ratio of service votes to population prevailed in the other eighteen states, the total service vote for the country was close to 4,400,000. The *Times* survey indicates that in the Northeastern industrial states the number of service ballots received averaged approximately 30 to 40 per cent of the estimated number in the service from each state. In Arkansas, the service vote was 5 per cent of the total vote; it was 6 per cent in Pennsylvania and about 7 per cent in New York.

Only seven states, according to the *Times* survey, made a separate canvass of civilian and military votes. In these (Arkansas, Colorado, Maryland, New Jersey, Oklahoma, Pennsylvania, and Rhode Island), President Roosevelt received 59.3 per cent of the military vote, as compared to 51.5 per cent of the civilian vote in the same states. The service vote carried New Jersey for the President. In the above seven states, Roosevelt got 3,878,165 civilian votes to Governor Dewey's 3,666,244, and 321,433 services votes to Dewey's 221,429.

[1] See F. E. Horack, "The Operation of the Primary Election Law in Iowa," *Iowa Journal of History and Politics*, Jan., 1921.

Rarely do minor parties participate in Iowa primaries. Even when they do so, no aspirants for county office are likely to appear; for the minor parties seem to be interested only in national and state offices. In 1944, as usual, only the Democratic and Republican parties participated. There are 99 counties in the state. In each, there are ordinarily nine county officers to be chosen by popular election every two years, namely, one, two, or three supervisors,[2] auditor, treasurer, clerk of court, sheriff, recorder, attorney, and coroner.

Thus if each of the two parties had presented only one candidate for nomination for each position available in the 1944 primary, there would have been 1,782 aspirants for nomination. Even had that been the case, obviously there would have been no contests in the primary. But as a matter of fact there were only 1,211 aspirants for nomination in both parties together. Each of the two parties might have nominated 891 candidates if there had been at least one aspirant for each office available. As a matter of fact, the Republicans nominated 756, and the Democrats only 283. These figures would seem to indicate that in many counties it is believed that Democratic candidates for county office would have no chance of election. It is probable, however, that this belief is ill-founded as respects many counties in which the Democrats presented no candidates. Although the state is predominantly Republican, there is much "scratching" of ballots for county offices, and the 1944 election figures disclosed that in 45 counties Republican strength was distinctly less than the state average.[3] This would indicate that Democratic candidates for county office might have had better chances of success in many counties than was generally supposed.

However, it may not be surprising that in counties known to be strongly Republican or strongly Democratic, few or no aspirants for nomination presented themselves in the primary of the weaker party. The prospect of almost certain defeat is sure to discourage candidacies. A much more surprising thing is that in counties known to be strongly Republican, or strongly Democratic, only one aspirant for nomination appeared in the primary of the party which was sure to win. Thus, for the office of:

Auditor: In 86 counties, there was only one Republican aspirant for nomination. In three counties, there were two. In one county, there was three. In nine counties, there was none at all. In 32 counties, there was only one Democratic aspirant for nomination. In just one county there were two. In the remaining 66 counties, there was none at all. In each of these 66 counties, there was only one Republican candidate for nomination. Thus in exactly two-thirds of the counties the Republican aspirant secured the office merely by filing nomination papers.

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[2] Counties may have boards of supervisors composed of three, five, or seven members. Most of them have three. Supervisors hold office for three years, all other county officers for two. Thus at the biennial election one or two supervisors may be elected who will not assume office until a year and two months after election.

[3] Greatest deviation in favor of the Democrats is found in Dubuque county, −11.3 per cent, and in Johnson county, −10.4 per cent. Interestingly enough, Delaware county, adjacent to Dubuque on the west, shows the greatest percentage deviation in favor of the Republicans, i.e., +11.5 per cent. Apparently, party rivalry in Iowa reaches a peak on the boundary line between Delaware and Dubuque counties.

Treasurer: In 85 counties, there was only one Republican aspirant for nomination. In eight counties, there were two. In six counties, there were none at all. In 29 counties, there was only one Democratic aspirant. In the remaining 70 counties, there was none at all.

Clerk of Court: In 85 counties, there was only one Republican aspirant for nomination. In three counties, there were two. In two counties, there were three. In nine counties, there was none at all. In 28 counties, there was only one Democratic aspirant. In the remaining 71 counties, there was none at all.

Sheriff: In 72 counties, there was only one Republican aspirant for nomination. In 17 counties, there were two. In four counties, there were three. In one county, there were four. In five counties, there was none at all. In 42 counties, there was only one Democratic aspirant for nomination. In two counties, there were two. In 55 counties, there was none at all.

Recorder: In 81 counties, there was only one Republican aspirant for nomination. In six counties, there were two. In one county, there were three. In 11 counties, there was none at all. In 32 counties, there was only one Democratic aspirant for nomination. In one county, there were two. In 66 counties, there was none at all.

Attorney: In 74 counties, there was only one Republican aspirant for nomination. In 17 counties, there were two. In two counties, there were three. In six counties, there were none at all. In 27 counties, there was only one Democratic aspirant for nomination. In one county, there were three. In 71 counties, there was none at all.

Coroner: In 64 counties, there was only one Republican aspirant for nomination. In 11 counties, there were two. In one county, there were three. In 23 counties, there was none at all. In 20 counties, there was only one Democratic aspirant for nomination. In one county, there were two. In 78 counties, there was none at all.

Supervisor: Since there was variation in the number of supervisors to be elected in the various counties, it is not possible briefly to summarize the data as for the other offices. Suffice it to say that the figures disclose a similar dearth of aspirants for nomination.

The most striking facts are summarized in the table on the next page.

In 34 counties, there were no Democratic candidates for nomination for any county office; and in 19 of these the Republicans presented only one candidate for each office. In 54 counties, there was only one candidate for nomination for each office on either the Democratic or the Republican ticket. Thus in more than one-third of the counties of the state there was no contest for any county office, either in the primary or in the general election. And in well over half of the counties there was no contest in the primary for any county office. In many of the remaining counties, there were contests for only one or two of the offices available.

ASPIRANTS FOR NOMINATION

Office	*Republican Primary*		*Democratic Primary*	
	No. of Counties	*Aspirants for Nomination*	*No. of Counties*	*Aspirants for Nomination*
Auditor	86 9	1 None	32 66	1 None
Treasurer	85 6	1 None	29 70	1 None
Clerk	85 9	1 None	28 71	1 None
Sheriff	72 5	1 None	42 55	1 None
Recorder	81 11	1 None	32 66	1 None
Attorney	74 6	1 None	27 71	1 None
Coroner	64 23	1 None	20 78	1 None

What is the explanation of this dearth of candidates? The war? Probably that is a partial explanation. However, in so far as this is true it means that war conditions merely accelerated a tendency already in full swing. For many years there have been relatively few candidates for county office. Probably the 1944 primary marks the lowest point.

Another explanation often advanced is that salaries are too low to attract many candidates. Salaries range from two to four thousand dollars a year, depending upon the population of the county. However, it is to be observed that in the most populous counties, where salaries are highest, there was the same dearth of candidates. Despite the rather widespread opinion that low salaries account for the small number of candidates, there would seem to be no evidence of it. Indeed it may be suggested that small salaries by implication suggest such modest qualifications for office that many more people might well consider themselves qualified for the positions than if the salaries were higher.

The short term may be a partial explanation. It is quite understandable that people who are already employed in satisfactory positions would not be much interested in a political office for a two-year term. But the two-year term is not as bad as it sounds. A great many county officers hold their positions for a second term without having to face a contest. The alleged tradition associated with county offices expressed in the phrase "two terms and out," is balanced in some measure by the attitude, "one good term deserves another." Furthermore a considerable number of county officers hold their positions for many terms in succession. Thus a county officer may become so firmly entrenched in the confidence of the electorate that possible competitors feel it is useless to run. In so far as this is true, it would account in part for the dearth of candidates.

The cost of running a campaign can hardly be a reason. Any qualified voter is eligible for any of the offices, except that of attorney; and one can get his name on the primary ballot simply by securing a number of signers to a petition.[4] Sums spent in campaigns are negligible. One might suppose that nothing need be spent when there is no contest; but this is not quite so. Custom seems to dictate that even when a candidate has no opponent, he shall solemnly publish his picture and an appeal for votes in the local papers just as do those who happen to have opponents.

Do the county offices lack what is called, "prestige value" to such an extent as to explain in part the lack of candidates? There would seem to be no reason to think so. To be sure, there is little public interest in these offices. It is certain that vast numbers of voters do not even know who the candidates are until they have a ballot in their hands. But there is no reason to believe that county office-holders are held in low esteem. If "prestige value" is a factor at all, it may be supposed to have a positive rather than a negative effect.

It is possible that there is still another explanation, which may lie in the widespread effectiveness of the wholly informal pre-primary caucus, the "parlor," or "private" caucus, or in similar activities not clearly enough organized to be described as caucuses. In other words, purposeful people behind the scenes may have the situation well in hand. This statement is not intended to suggest evil—corruption, bribery, crookedness, sharp practice, intimidation, or wrong-doing of any sort. It does suggest the possibility that relatively small numbers of people who are truly interested take advantage of public apathy to achieve the election of those whom they want to see in public office. This can be done through informal, inoffensive, and perfectly respectable exertion of influence. On the other hand, it must be admitted that these practices may come dangerously close to corruption and evil-doing, and the border-line between what is respectable and what is evil may be very hard to draw. The opinion may be ventured that by and large there is very little wrong-doing or corruption, but that there is a great deal of good-humored, decent persuasion.

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[4] Two per cent of the number of votes cast for governor in the county at the last general election.

Who are the people who exert this influence, and how do they do it? First in importance are those who themselves hold public office; and the length of time they have held office is a rough measure of their influence. The man who has been reëlected several times is likely to command the respect, if not the admiration, of the newcomer in politics. Those who aspire to other offices than his naturally want his support. A man who has been reëlected sheriff or treasurer several times by substantial margins can give great encouragement, or the opposite, to the hopeful neophyte who thinks he would like to be recorder, or clerk, or auditor. A friendly nod or a contemptuous word can turn the trick. It is not a question of outwardly "working" or "fighting"; it is merely a realization of tacit support, or of subtle and discouraging opposition, as the case may be. "John is for me, I think I can make it"; or "Bill is against me, I never can make the grade with him queering my chances all the time." Thus popular incumbents of office can exert influence individually; and when several of them exert their influence in the same direction they can be very formidable. It is not a question of their influence being "good" or "bad," so far as the public interest is concerned. They merely express their personal preferences. There may be no slightest taint of evil purpose. Indeed, the judgment of these office-holders, thus casually expressed, may be a very wholesome check on the aspirations of utterly incompetent would-be candidates. Who knows how many such they may have discouraged from seeking office?

Obviously an incumbent of office seeking reëlection would lend no encouragement to a rival. But such men may be keenly interested in the candidacies of people for other offices. Furthermore, the most successful and popular incumbents of county office may be planning to run for higher offices, state or district, or be anticipating appointment to some public position. Such aspirations do not cause them to lose interest in the county offices. On the contrary, their interest in those offices may be decidedly enhanced. The higher office-holder greatly values the support and friendship of county officials—hence their continued interest in the matter of who occupies them. Thus county officers, their relatives and friends, constitute a portion of the group who exert an influence on possible candidacies.

Very closely related to these office-holders are their deputies and the office employees. The reason for their interest is obvious. But let it not be supposed for a moment that their activities or influence are necessarily bad from a public point of view. It may be decidedly wholesome. There is a marked tendency for those who are concerned with civic virtue to condemn as evil, or corrupt in purpose, the political activities of those who can be shown to have any personal concern in the outcome of an election. A very large majority of those who are in elective office, or who hold appointments, are just as high-minded and public spirited as are other people. It is no discredit for one who has been in public service, who has done good work, and who likes his job, to want to stay there himself, and to bring others into public service whom he thinks are the right sort. The "court house crowd" is in a position to have the very best judgment as to who are the most desirable prospective candidates for office and who are not. Certainly their influence ought not to be a controlling factor; but just as surely their influence should not be looked upon as necessarily bad, even though affected in some degree by personal interest.

There is another group of people who have some influence in pre-primary activities. They are that relatively small group who seem really to enjoy politics. They go to the regular party caucuses year after year. They are chosen as delegates to conventions. They do committee work, and are selected to be official precinct committeemen. They will help the precinct chairman and the county chairman, and make some contribution to the party campaign fund. They will help in campaign activities, organize rallies, and do the drudgery that needs to be done if the party organization is to be alive. These people have influence on primary candidacies if they want to exert it.

In Iowa, the law provides for party precinct caucuses every two years. They are poorly attended. In a very large number of precincts with five hundred or more voters eligible to attend, less than twenty ever appear. But the significant thing is that practically the same handful of people are likely to come every time. They are not bad people. For the most part, they are eminently respectable and upright, if not the leading citizens in the community. Office-holders tend to stay away; but their friends and relatives may come. Why should there be this microscopic attendance at party caucuses?

The reason is clear. It is believed that the caucuses have nothing important to do; and in a sense that is true. But they do something nevertheless; and what they do is in no sense illegal. They agree upon a committeeman and a committeewoman, and prepare a list of proposed delegates to the county convention. The law provides that blank spaces shall be provided on the primary ballot in which the voter is supposed to write the names of people for these positions; for no names are printed on the ballot.

Thus these committee people and delegates are supposed to be popularly elected at the primary. The caucus has no official part in the process. Public interest in these positions is almost non-existent. Practically no voters will bother to write in names. To fill all the spaces would usually require the writing in of some twenty-odd names. This the voters will not do; and it is rather appalling to consider what the task of counting would be if they did.

So the caucuses prepare these lists of names and have them printed on slips of gummed paper. These gummed stickers are then available at the polling places on primary day, and the vast majority of voters simply take one and stick it on the ballot in the proper place.[5] At some polling places, the clerks or judges of election offer to stick them on the ballot for the voter in order that it be done firmly and neatly. Everything is done openly and frankly, and without the slightest thought of impropriety. Thus invariably the people whose names are on the gummed sticker are elected.

Often there are fewer people at a caucus than there are delegates to be selected. In this situation, it is quite customary for the caucus to designate everyone present to have his or her name on the gummed sticker. In many communities the same people have been chosen as delegates year after year. There is nothing corrupt or improper about it. By far the most of them are eminently respectable people who are conscious only of fulfilling a civic responsibility. Thus the party organization is built up by an orderly process of hand-picking on the part of those who go to caucus; for the county convention selects the county chairman, who in turn appoints the working committees.

Respected and well-liked men, prominent in these groups—officeholders, their deputies, friends, relatives, and subordinates, those who aspire to higher office, those who go to caucus year after year and help maintain the county organization (most of them become well acquainted with each other)—are able to exert a great influence upon prospective candidacies for county office. Quite informally and in the most casual way, they can discourage would-be candidates, tacitly promise to support them at some future time, agree to support so-and-so for this office and so-and-so for that. No one is intimidated. Anyone qualified is quite free to get his name on the ballot if he is determined to do so. But he may well have a depressing sense of futility if he lacks the support of the right people.

This kind of pre-primary activity is a modern manifestation of the old-time parlor caucus of a hundred and fifty years ago. It is at least possible that it explains in part the deserted primaries in Iowa. Opinions will differ, first, as to the extent to which it exists. Some well informed people would deny that it exists at all, at least in their own counties. It is interesting to encounter seemingly honest denials from men who, almost unconsciously, exert the most pressure. Those who have been discouraged from running in the primary are not likely to admit the real reason why they did not run, or even to admit that they intended to run at all. Thus, mysteriously, nobody knows anything about it and we drift into the realm of the occult. Those who believe the practice does exist and is an important factor in explaining the deserted primaries differ as to whether it is good or bad. Certainly vast numbers of people do not know or do not care. There are very few scandals involving county officers in Iowa, and there is no reason to doubt that the vast majority of such officers are held in good esteem by the people of their counties.

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[5] The courts held many years ago that gummed stickers are the equivalent of writing.

It would seem that the electorate has all but abandoned the business of selecting county officers, and is, moreover, reasonably content with the process by which the thing is actually done. Some will see in the deserted primary an argument for a return to the old caucus convention system of nominating candidates. Others will see in it an argument for the short ballot and the appointment of county officers. It is probable that most Iowans would see in it nothing to be concerned about.

INSTRUCTION AND RESEARCH

AREAS FOR POSTWAR RESEARCH

JOSEPH E. MCLEAN
Office of Naval History, Washington, D.C.

One of the principal recommendations contained in the recent report of the Research Committee of the American Political Science Association[1] was that mature scholars "be influenced as to the subjects selected for research by the findings of research panels and committees." Acceptance of this general recommendation may be facilitated by the tenor of the findings and suggestions of two research committees of the Social Science Research Council—the Committee on Government and the Committee on Public Administration. The report of the former committee, based upon three years of exploration of research areas, was published in October, 1944.[2] The report of the Public Administration Committee will presently be published by the Public Administration Service under the title "Research in Public Administration, 1934–1945," along with a report prepared by Professor John M. Gaus surveying general research developments in the area since 1930. Although essentially a review of major accomplishments and past activities, the report of the Public Administration Committee nevertheless outlines a research program of enduring and continuing interest.[3] The scope and nature of the research proposals advanced by both committees are the subject of this brief review.[4]

II

The reports of the two committees both parallel and supplement each other. This result could be expected. William Anderson was chairman of both committees and was primarily responsible for the drafting of their reports; each committee maintained close relations with the other; and the Committee on Government report gives relatively less attention to public administration "only because the Committee on Public Administration is submitting its own more detailed report of research needs and plans in that field."[5]

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[1] See this REVIEW, Vol. 39, pp. 148, 165 (Feb., 1945).

[2] *Report and Recommendations*, Committee on Government, 1941–1944, Social Science Research Council (Minneapolis, Oct., 1944).

[3] This report reviews the history of the Public Administration Committee from its inception to the conclusion of its work in 1944. The research program is based in large part upon the discussions of the Committee at its spring meeting in 1944.

[4] The members of the Committee on Government were: William Anderson (*chairman*), University of Minnesota; Robert E. Cushman, Cornell University; Simeon E. Leland, University of Chicago; Charles McKinley, Reed College; and Thorsten Sellin, University of Pennsylvania. The members of the Committee on Public Administration were: William Anderson (*chairman*), University of Minnesota; George C. S. Benson, Office of Price Administration; Louis Brownlow, Public Administration Clearing House; Rowland Egger, University of Virginia; George A. Graham, Princeton University; Luther H. Gulick, Institute of Public Administration; E. Pendleton Herring, Harvard University; Lewis Meriam, The Brookings Institution; Lindsay Rogers, Columbia University; Leonard D. White, University of Chicago; and George F. Yantis, Northwest Regional Council.

There is substantial agreement between the two reports with respect to major research areas, which results not from any undue influence of one committee upon the other, but rather from the impact of current and recent national and world experience. Both reports, for example, emphasize under one heading or another the following areas: international organization and administration, federalism and intergovernmental relations, civil-military relations, fiscal policy and administration, government and the economic order, and local government and administration. In addition, the Committee on Government report emphasizes civil liberties, freedom of association and the formation of pressure groups, trends in the functions of government, the social functions of government, church-state relations, and the voter and his government. The Public Administration Committee report offers separate proposals covering relationships within the administrative branch, over-all aspects of modern administration, administrative law, the history of administrative institutions, and comparative administration.[6]

Based on the mere listing of research areas, a few observations may be made. First, a few of the "old and well-marked areas are hardly mentioned" (this deëmphasis was not unconscious): second, the so-called "interstitial areas" (e.g. fiscal policy) and the interdisciplinary approach are given great emphasis; third, the areas listed reflect "the complexity of problems that beset and are a part of modern democracy and democratic government."

The members of both committees apparently held a broad view of political science and of public administration. The Public Administration Committee, for example, visualized the study of public administration as "the study of government in action, government doing work and rendering public services . . . Public administration is not something set apart from but an integral part of the whole system of popular government and democratic ideals." The Committee on Government report points out that: "*Political scientists* have as their principal focus the relationship between the public authorities and the citizens or subjects in politically organized groups, from the smallest village up to the greatest empire. The dominant political relationship is, therefore, that of public authority and individual liberty, but, as in the case of other social studies, there are various subsidiary relationships that cluster about the central one. Among these may be mentioned international relations, intergovernmental relations within a single nation, civil-military relations, and the relations between the executive and legislative branches, between officers and employees in administrative departments, and between the leaders and voting members of political parties." In accordance with these broad views, the committees attempted to give breadth and depth to their research proposals.

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[5] Committee on Government, *Report*, p. 21.

[6] The Committee on Government report devotes an entire section to research methods, including the comparative method, the analytical and theoretical approach, the experimental method, the quantitative method, and collaboration between political science and other social sciences.

III

For convenience, the following discussion of specific research areas is based essentially upon the outline of the Committee on Government report. The Public Administration Committee proposals are either incorporated into this outline or treated separately.

Civil Liberties: This subject is treated briefly by the Committee on Government only because a research outline in the civil liberties field is being prepared by Robert Cushman for publication by the Committee. The topic, however, is emphasized as one long neglected by political scientists in a primary sense, as one that provides a cross-section view of many aspects of political science, and as a study that should bring economics, sociology, psychology, and ethics into closer relationship.

Freedom of Association and the Formation of Pressure Groups: "A crucial question of every modern integrated society is that of the right of individuals to form permanent groups other than the state." The Committee on Government points out that English-speaking countries, uniquely, have been characterized by the ease of forming social organizations. Modern "pressure groups" have been studied, but the subject has not received adequate attention. Can democratic governments control these powerful groups without undermining democracy itself?

The return of the "guild spirit" is also noted as a tendency, not only in union labor, but in business groups, professions, and farmers. "How can labor unions, farm bureaus, professional, business, and religious organizations be kept democratic internally and at the same time be kept amenable to public authority and in harmony with the general public welfare? Is not the government morally obligated to regulate the organization, powers, and procedures of these private organizations in the public interest?"

Federalism—National and International:[7] Both reports deal with the subject of federalism. The Committee on Government notes first the importance of the question whether federalism is a rising or a declining institution. Centralization is feared by some individuals, and some fear that federalism is a passing phase. Yet the federalism principle seems to be on the ascendant in international affairs. Why? The Government Committee observes that the actual experience of limited federations must be brought to light if the principle is to be applied internationally.

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[7] This is one of five sub-headings discussed under "(C) The Organization and Operation of Government." The other four are: (2) Legislative-Executive Relations, and the Legislative Process, (3) Public Administration, (4) Local Government and Administration, and (5) International Organization and Administration.

The Government Committee also notes that there has been a more realistic shift away from the past constitutional studies of federalism. The actual political, administrative, fiscal, and judicial relationships have been explored, although much more investigative work remains to be done.

Some of the statements of the Public Administration Committee at this point are particularly pertinent. First, of course, is the intention of the Committee to publish in the near future a research outline based on considerable exploratory work already done in the federalism field.[8] "The administrative phases of intergovernmental relations are, of course, one of the special interests of the Public Administration Committee. Among the specific topics involved are the handling of grants-in-aid and other intergovernmental fiscal relations; the joint use of personnel; coöperative and contractual arrangements for the performance of common services; other arrangements for division of labor among units of government; exchanges of information and personnel; the administrative settlement of intergovernmental disputes; central standards for local administration; and central supervision over the work of local agencies. These topics suggest something of the richness of the materials and of the great changes that have been brought about in recent decades in the relations among national, state, and local governments . . . Most Americans seem to accept the need for a strong central government, but at the same time they wish to preserve all the advantages of self-government in the state and local units. Whether that is the direction in which the nation is moving cannot be determined without a great deal more research in the field of American intergovernmental relations."

Legislative-Executive Relations, and the Legislative Process: Although the death of President Roosevelt has removed one tremendous factor from this complicated area, basic problems remain and still to be heard are the cries, some of them extremely vague, for "streamlining" Congress. At the time (October, 1944) that the Committee on Government framed its research proposals, the crisis in legislative-executive relations at the national level was perhaps greater than at present. The points then emphasized, however, may well be repeated: Even in peacetime, the President's active leadership toward new goals of social policy brought strong reactions from members of Congress; despite some reorganization, the presidential office was overloaded when international and military affairs suddenly increased in importance; Congress had made no real effort to reorganize (hence, when war came, the executive had to assume more rather than fewer functions); as political opposition toward the President increased (personal animosities and desertions in his own party), relations between the executive and legislature became even more embittered; confusion was increased by the activity of pressure groups, particularly in agriculture and labor; and various issues (such as fourth term, rationing, etc.) complicated relations between the President and Congress, and brought up the states-rights question in a very acute form. In addition, the report suggests an examination of the belief that the executive-legislative clash is a special form of the urban-rural conflict.

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[8] Such an outline has now been prepared by Professor William Anderson and is being edited for publication by Mrs. Luella Gettys Key.

The fact that in every major crisis the President and Congress have been in large measure opposed to each other would indicate that there is something in our system of representative government that produces these struggles between the executive and legislative branches. The Committee on Government raises the question of how seriously a continuation of these struggles will endanger our international relations and our handling of problems of reconstruction.

The report does not ignore the related questions of the rôle, organization, and procedure of Congress and the state legislatures. It also describes the efforts of the Committee on Public Administration, the American Political Science Association, and the Columbia University group to promote or conduct research in the legislative field. A research outline on the legislative process is in preparation under the Public Administration Committee and may be published this year. The Committee on Government significantly notes the current urging of immediate changes in Congress and in executive-legislative relations. The basis for change should be studied, but scholars, says the Committee, cannot justify an indefinitely long delay in making their studies.

Finally, the Government Committee observes that the legislative process is not the whole of the process of forming public policy. It suggests the importance of studies "that start farther back, with education, the press, and other opinion-forming agencies, and carry on through the work of pressure groups and political parties to and through the formal legislative process and on into executive and judicial rule-making." Sample studies are suggested as an aid to determining whether this broader and longer view offers a workable approach.

The Committee on Public Administration presents ample justification of its interest in the field of executive-legislative relations. "Charged with the duty of putting legislative policies into effect, the administrative agencies cannot do their work properly unless both the legislature and the chief executive have done their work well and in reasonable harmony."

The specific questions raised by the Committee on Public Administration supplement some of the more general suggestions offered by the Committee on Government. These specific questions include: "What is the rôle of the executive and of the administrative agencies in formulating policy? In advising the legislative branch and supplying it with information? In drafting legislation for enactment? How can the administrative agencies do their work properly in the making of rules to supplement and to carry out legislative enactments? How can harmonious and coöperative leadership be provided for the administration without loss of the advantages that come from criticism of each other by independent branches of government? How can stalemates be avoided? How can legislators be brought to appreciate the work of administrators and to assist them in the better performance of their duties? What kinds of reporting, liaison efforts, and contacts can be worked out to this end?" These specific questions are intended to apply to federal, state, and local governments. They reveal the practical and necessary interest of public administrators in executive-legislative relationships.

Local Government and Administration: A renewed interest in this level of government is urged by the Committee on Government. The tendency of Americans to study this subject as an American phenomenon, the past emphasis upon immediate reform, the lack of analytical consideration of the rôle of local government in democratic government here and abroad, the fears of some persons that local government may not survive in the face of increasing national governmental activity—these are some of the reasons offered to justify a renewed interest.

Special problems and questions are mentioned, including those involving metropolitan government and the need for reorganizing rural local governments both to improve administration and to strengthen democratic controls. The report suggests an examination of the interwoven economic and social factors affecting both extremes of local government. The problem of public revenues, for example, includes the question of national and state control over the sources of public revenue, as well as the factor of rural domination of many state legislatures. Back of the revenue problem may be industrial, natural resource, and land-use factors. The interconnection of local government and land utilization is particularly stressed.

The Committee further points out that the capacity of local populations to resist changes obviously needed raises questions concerning their political and economic thinking. In studies of local government, it may be possible to isolate institutional and psychological obstacles for first-hand analysis. The Committee on Public Administration in brief stresses the same areas, particularly the fiscal and land-planning problems. Few can quarrel with its conclusion: "Certainly we know too little about these matters to propose a defensible program of public remedial measures."

International Organization and Administration: The Committee on Government omitted consideration of many aspects of international relations and the entire field of international law, primarily because the committee membership included no person who claimed special competence in that field. A great deal of attention, however, was given to international organization and administration. The point is made that " . . . the difficulties in bringing about effective international organization and administration arise largely out of the fact that individual nations are reluctant to make the internal changes that are necessary to make the international organization a workable thing." Emphasis is placed upon the interaction of intranational and international methods, functions, and policies. Hence, international and intranational problems should be studied together. The report suggests that a different exploratory approach is needed, one that represents in its membership both sides of this intranational-international relationship.

The Public Administration report contains more specific recommendations as to research in this area. The report emphasizes that, long before we have a comprehensive international organization and "international legislation," international administration will be, and in fact already is, important. Some agencies that preceded the League of Nations and some that were part of the League organization, as well as wartime United Nations joint and combined boards, are now engaged in administering international agreements concerning shipping, finance, military government, and other matters. Like all public administrative agencies, these organizations face questions of personnel, budgeting, central-field relations, and so on. The Public Administration Committee notes that studies of these administrative aspects have been incomplete in coverage and tentative in results. It agrees with students of international organization "that studies of the administrative side of international agencies must rank high among studies in this field in the future."

The Functions of Government: Under this heading, the Committee on Government poses three groups of questions for research and thought. The first is the *trends* in public functions; the second and third are the *causes* and the *consequences* of these trends.

With respect to the first, it is urged that a more accurate picture of changes in governmental functions is needed. Changes measured by dollars spent by government or by the numbers of persons on the rosters of public authorities do not tell the entire story. More adequate analysis is needed if an exact definition or measurement of the trend toward greater public activity is to be made.

The report next calls for a study of the multiple causative factors behind this trend. If there is an inevitable trend to lessen private enterprise, can any potential in this field be isolated and measured? What happened in war and depression to accelerate or slow down this trend? What is likely to happen in the postwar period?

The Committee finally considers the consequences of the trend of public functions. What changes accompany the trend in governmental functions? Changes in "freedom," for example? Social, ethical, and human values should be weighed in the balance in any effort to describe the consequences of modern governmental activity. Such consequences as more widespread education, better health, and improved highways are pertinent to such studies.

The Fiscal and Economic Functions of Government: Fiscal and economic functions are treated by the Committee on Government report under two major headings: (1) the financing of government, and (2) governmental controls over business, labor, and agriculture. Under the first heading, consideration is given to over-all fiscal policy and administration, the adequacy and fitness of revenues, the fiscal aspects of government enterprises, and the movements and pressures for tax reform. Parallel topics in the Committee on Public Administration report are covered under two major headings: fiscal policy and administration, and government and the economic order.

With respect to "the financing of government," the Government report first notes that this field has not received adequate attention from either economists or political scientists. It is further noted that the division of labor between economists and political scientists in this field has resulted in wide gaps, both in research and in theory. Economists, for example, have placed relatively little emphasis upon the facts and theories of public expenditures. Other factors or developments generally noted in the report are: the mutual concern of those persons interested in private finance and monetary policy and those interested in public policy and public finance; the neglect of the social effects of governmental financial policies; the neglect of the ethical and practical problems of justice in taxation; and the need for more attention to the historical aspects of public finance.

Among the fields particularly needing research is that of over-all fiscal policy and administration. It is observed that "the formation, the enforcement, and the consequences of governmental policies in this field cannot be too much emphasized in a program of governmental research. . . . The various plans for maintaining something like full employment and high levels of income in the future through the use of the fiscal powers of government show how far the thinking of many leaders in this field has gone."

A second specific field stressed by the Committee on Government is that of the adequacy and fitness of revenues. Although the report notes the dominance of the national government in this field (war, depression, etc.), its specific recommendations are primarily concerned with state and local problems. It points out that centralized state tax systems, among other factors, have upset the old balance of revenues between the state and its localities and that the financial position of city governments has deteriorated. "What is to be the financial strength of cities in the future? From what sources are their funds to come?" Questions are also raised with respect to specific functions, such as education and welfare services. "Are we to pass out of the era of local financial responsibility for these functions in the sense that localities are no longer to be obligated to raise locally the moneys they need to spend? What are the alternatives? If central raising of funds becomes the predominant rule, how can local responsibility in spending be enforced? The various possibilities of improving the administration of local units needs to be investigated more fully than they ever have been." The nature of these questions indicates that a broad interpretation should be attached to the heading, "adequacy and fitness of revenues."

A third specific area suggested by the Government report is fiscal aspects of government enterprises. The financial policies of publicly-owned utilities and industries and the results of their operations are of interest to social scientists. "Are there really any such things as the widely advertised 'tax-free cities'? In what sense, and to what extent, can government enterprises reduce the need for taxes?" The report notes the lack of broad governmental, economic, and social studies of the rôle of the government corporation.

The fourth and last area mentioned under the heading of the financing of government is movements and pressures for tax reform. The report calls for intensive study of the movements, the organizations, and the machinery in the field of tax reform; it describes the many-sided struggle over tax legislation and administration, and queries, "What are the ways in which better tax legislation might be brought about?"

Finally, the Committee on Government tentatively suggests that the Social Science Research Council set up a special committee to explore the many-faceted field of fiscal policy and government financing. Such a committee, it significantly notes, should include members from several disciplines.

The Committee on Public Administration, accepting the leadership of economists and public leaders on all matters of fiscal policy, directs attention to the important instrumental function of public administration in the fiscal field. "The coördination of policy with administration, the arrangement of devices for quick compensating action when upward or downward trends set in, the planning and handling of schemes of useful employment, the budgeting of funds and projects, and many other matters of like import, will fall largely upon the administrator. Some coöperative studies for economists, political scientists, and students of public administration would seem to be very much needed in this field."

The second major heading under the general title, "The Fiscal and Economic Functions of Government," in the Government report is Governmental Controls over Business, Labor, and Agriculture. The parallel heading in the Public Administration Committee report is Government and the Economic Order.

The Government report points up not only the questions concerning the older functions of government (e.g., the regulation of banking and public utilities), but those new questions involving the future of wartime controls such as rationing, priorities, and rent controls. Of great importance ". . . are all the issues as to continuing or challenging the labor and agricultural policies of the 1930's, what shall be done about cartels, monopolies, patent pools, and so on, and the whole gamut of issues concerning national economic planning and regulations." The rôle of government in the economic life of the nation has become a major issue that social scientists cannot avoid.

Studies of the direct effects of governmental regulations upon the economy are needed. More important, perhaps, are studies of the indirect effects upon attitudes. It is noted, for example, that many business-men feel that the steady expansion of public functions has tended to restrict the fields of private enterprise. "A closer study of these attitudes, of the extent to which they correspond to the facts, and of how they are likely to develop and to express themselves, would appear to be very important."

The report of the Public Administration Committee places a great deal of emphasis upon studies covering government and the economic order. The steps taken by government to assist, promote, standardize, regulate, and police commercial and industrial activities are, it is noted, brought to a peak in times of war and depression, but they are *always* present. "Labor and agriculture in all important aspects are brought within the perview of government along with the owners and managers. Corporations are watched with special care, while trusts and monopolies are in large part forbidden. In significant instances, various governments (national, state, and local) enter into active ownership and operation of essential utilities and industries." With respect to these problems, the lack of a comprehensive program of investigation is noted. The fact that such studies fall between several disciplines is stressed. The administrative aspects of this area, it is urged, call for special emphasis.

Suggestions for administrative studies cover such fields as the organization and operation of public regulation with respect to prices, rationing, priorities, and allocations in wartime; railroad and utility regulation; fair trade practices; the regulation of insurance, banking, industrial relations, and similar matters.

The Public Administration Committee report appropriately stresses the significance of the viewpoint of those who are regulated. From the "worm's-eye view," the community needs to be studied, and this includes those who are directly aided or regulated and those who are benefited by such governmental activities. Sample questions raised include: "How does the administrator elicit the support and aid of various consumer, producer, and other groups for his work? How are democratic controls worked out and made to work? Is there adequate communication of ideas between the regulators, the regulated, and the beneficiaries?"

Social Functions of Government: Two specific areas under this heading are mentioned by the Committee on Government: "(1) The rôle of government with respect to race relations has already been touched upon in studies under Council auspices, but a concentrated study or group of studies in that field has not been made. (2) An emerging problem is that of government in relation to medicine and public medical service. This subject cannot be put off indefinitely. Foreign experiences and wartime experiences in the United States need to be canvassed thoroughly with an eye to methods and results."

Civil-Military Relations: This heading is used by the Committee on Government. "Civil and Military Administration" is the parallel topic in the report of the Public Administration Committee. The Government report, after pointing to fundamental differences between the United States and Japan, asks: "But if this nation is to play its part in the enforcement of international order, can it follow its past policy of deliberate military weakness and even disarmament?" Must democracies always run the risk of "too little and too late" in military defense? Turning to another point: "Is it not incumbent on students of public administration, for example, to make more thorough studies of Army and Navy administration with a view to the light that may be shed upon civil administration?"

The last question has an answer from the Committee on Public Administration. The report of that Committee points out: "Meanwhile military and civilian administrators have worked hand in hand during the present war and have come to have considerable respect for each other's methods. Many lessons are to be learned from this wartime experience, perhaps on both sides, but at least by the civilians studying military methods. Such studies made at the administrative level should throw some light upon the deeper issue of civil-military relations. Included along with other topics should be military methods of training, recruiting, personnel management, supply services, transport controls, accounting and finance, and military government of occupied areas."

Church-State Relations: Here is a subject that quite generally has been ignored. Certain factors, such as the separation of church and state over a century ago, have produced in many Americans the "comfortable feeling" that we have solved permanently the problem of church-state relations. The Government Committee, however, notes the ambitions and political influences of some sects and concludes: "Political scientists in the United States have, in general, ignored whatever issues are involved in this field except to analyze and emphasize the freedom of religion that is guaranteed in the United States Constitution. The time may have come when more attention should be given to this question, and when the political views and methods of various churches should be examined."

The Voter and His Government: The general area covering the participation of citizens and voters in the processes that keep government democratic and responsible is referred to as a "hardy perennial." Its importance, however, has increased with the increased activity of modern governments. The Government report does not attempt to cover the many sub-topics in this area; it points out the need for a carefully prepared research outline that will indicate the principal gaps, and concludes with several pertinent suggestions: "(a) Studies of the voter's rôle in government have in the past been too strictly local and American. We should not neglect the interesting experiences in foreign lands such as Russia, the Scandinavian countries, Latin America, Great Britain, and the principal British dominions. (b) The effects of modern governmental services and spending upon the attitudes of voters have not, in our judgment, been adequately studied. Is there any substance to the fears expressed by some that the public morality of the electorate is being degraded by public works, welfare services, public housing activities, and aids to farmers, for example? A related question is that of how participation in the war is likely to affect not only the political attitudes but also the public moral standards of the returning veterans. Indeed, (c) the whole field of public and private morality in relation to government and all its works calls for much more study then it has received. (d) Finally, the study of political psychology, attitudes, and behavior has not, in our judgment, been carried as far as it can be with profit."

Relationships within the Administrative Branch: For both sparkle and significance, this section of the Public Administration Committee report is perhaps the best single section of either report. The questions raised are often the difficult and "embarrassing" kind; and the specific research suggestions reflect a sophisticated awareness of internal relationships within the administrative branch as a whole. (A distinction is made between intra-administrative relationships within a single government and the inter-governmental administrative relationships discussed elsewhere.) These internal relationships are described as being most noticeable in the national government, in the leading states, and in the large cities. Several examples, listed under four subheadings, give life and meaning to the Committee's recommendations.

The first subheading is "relations between central, regional, and field offices." The importance of this area is indicated by the fact that 75% of the national government's administrative personnel is located away from Washington and by the existence of separate field organizations for the major agencies of the government. The larger states, it is also noted, have a comparable problem, although they generally use a two-level arrangement, i.e., they do not have regional offices between the central and district offices. The Committee's suggestions for research in this area are summed up as follows: "How to organize and conduct the relations between the central, regional, and field offices of the national administration has become a major issue, and one that is found in almost every important agency. What the regions and districts should be, what officers and organization they should have, what authority should be delegated to them and how, what standards should be set up at the center for the performance of the field services, how these standards should be enforced, how the channels of communication can be kept open, in both directions, between central and field offices—is it necessary to list more topics to show what is involved? It is only in the last ten or fifteen years that these questions have been seriously raised. Up to now there has been altogether too little investigation even to bring out the essential descriptive facts."

The second subheading is "inter-agency relations at the top level." New problems of inter-agency relations at the top level in national and state capitals have come in the wake of expanding public services and the attempts to attain higher standards and efficiency. The report lists four major types of new agencies or variations of the old:

"(1) Overhead, 'staff,' and 'housekeeping' agencies to handle problems of budget, accounting, personnel, research, planning, and other services for all or many of the government agencies; (2) ordinary operating or 'line' agencies that render services directly to the people—in defense, foreign affairs, education, highways, agriculture, labor, social welfare, and many other fields; (3) semi-independent government corporations and authorities such as TVA, housing and credit agencies, that also provide direct public services but stand somewhat outside the ordinary administrative hierarchy; and (4) semi-independent regulatory commissions and boards that serve as agencies of both the legislative and executive branches in broad fields of regulation such as railroads, communications, power and utilities, labor relations and grain, cattle and stock exchanges." The report asserts that a "thoroughly acceptable set of principles for inter-agency relations at this level has never been worked out."

A third subheading covers "intra-agency relations among bureaus and functional activities." The report indicates that a great deal of spadework must be done in this area also. "Much the same questions appear at a lower level, among the different bureaus, divisions, and offices in major departments. Lines of contact run in almost every direction from every unit in an agency to every other. For example, there are the relations of the personnel agency of a department to the department head, to the budget unit, to the planning unit, to the operating units, etc., and each of these in turn to every other. Up to now we have not had sufficient descriptive studies of good quality even to lay the basis for an adequate set of principles in the field."

The fourth subtopic, "relations in particular functional and professional fields," cuts across the lines of the first three areas. "The personnel unit in a major agency (to take one example) has important relations not only inside the department but also has relations that extend upward and outward to the civil service agency of the whole government and to the personnel advisers of the chief executive. Inside the agency its contacts extend to all appointing officers and others who handle personnel matters, including the regional and field offices. Thus if one follows through a single function like personnel he can see the agency personnel office as the center of a network of relations with others who deal with different aspects of the same function. A similar approach could be employed for considering the legal unit, budget, fiscal and accounting units, and research and planning units.

"Indeed one of the best approaches to the studies that are needed in administrative organization and procedures might be to take separately each important function or activity and trace out all the relations affecting it in every direction. Some illustrative questions might here be apropos: What is the rôle of the legal staff and the various legal units in administration? Has the lawyer found his appropriate function, and if so, what is it? What is the relationship of research and planning units to each other in the same government, and to operations, to budgeting, and to personnel? Where should budgeting be done—only at the center, or in regional offices, or at the field office and district level? What are the limits of successful integration and centralization in such a function as personnel or planning? What parts of either of these functions can be best performed by a central agency for the whole government, in the department, at the bureau level, and in the field?"

Over-All Aspects of Modern Administration: The Public Administration report notes the influence of the report of the President's Committee on Administrative Management, as well as that of the war, upon the national administrative organization. It adds that postwar demobilization and reconversion will bring still further changes. "For these reasons the time may soon be ripe for new studies of over-all administrative problems, primarily in the national government, but also in the leading states and cities. The burdens upon the chief executive, the provision of his office with adequate staff aids for supervision of the administrative branch, and the means for legislative control, for example, still present problems for investigation."

The report also suggests the need for an interdisciplinary investigation of the modern civil service as a whole. Such an investigation is made pertinent by the frequent attacks upon the operation of public administration as a whole, upon the merit system, and upon "bureaucracy." These attacks, in turn, may reflect the frictions and tensions resulting from the rapid rise of "the public service state."

Administrative Law: Sharp criticism of the heads of administrative agencies is offered as one reason for a thorough and candid examination of what is known as administrative law. The Public Administration report points out that in many cases administrators are doing work that might otherwise have to be done by legislatures or the courts; the result may be a relative or apparent displacement of lawyers from what they consider to be their own field of work. Others believe that constitutional government is being endangered by the growth of administrative law.

The general interest of the law schools, the report states, assures adequate study of the technical rules of law and current developments therein. But students of political science and public administration should be concerned with such questions as the following: "How fully shall the administrative process be dominated by a legal point of view and personnel? How can the administration function if all administrative regulations and decisions must be appealable on their merits to judicial courts? Will experts in the various fields (finance, economics, business regulation, social welfare, health, etc.) be likely to protect the public interest better, equally well, or less well, than those with legal training? In short, where can the boundary lines be best drawn between the powers of the administrators and those of the courts, to ensure the best service and the greatest protection to the public generally? And how can administrative rule-making and adjudication be improved and made more democratic and responsible."

Comparative Administration and *The History of Administrative Institutions:* These two topics are treated briefly by the Public Administration report; furthermore, they are considered as "approaches" rather than as areas. The Committee, however, attaches great importance to both as together providing "a breadth and a depth to administrative studies that is greatly needed by American students. American studies in public administration have in most cases had too little historical perspective, while the number of comparative studies that are based on foreign as well as American observations is very small indeed."

IV

Opinions of Leading Political Scientists Concerning Areas Calling for Special Attention in Postwar Research: The appendix of the Committee on Government's report contains a tabulation of various research proposals advanced by 121 leading political scientists in response to a letter of inquiry asking for suggestions on postwar research. The letters were analyzed and the results tabulated by Professor Anderson, who presents the tabulation with the warning that it must be "interpreted as one individual's grouping of the replies, and not as an absolutely objective, checked and double-checked, result."

AREAS FOR RESEARCH IN POLITICAL SCIENCE: TABULATION OF SUGGESTIONS FROM POLITICAL SCIENTISTS, 1944

Subjects Proposed	*Those giving first choice to the subject*	*Other choices for same subject*
1. International Relations, Organization, and Administration	35	12
2. Political Theory, including American Political Thought	14	8
3. American Democratic Government		
(a) In General	11	2
(b) Executive-Legislative Relations, the Legislative Process, and Policy Formation	7	0
(c) Public Administration	11	8
(d) Government and the Economic Order	14	4
(e) Pressure Groups	5	0
(f) Public Opinion and Propaganda	2	3
(g) Government Information and Public Relations	1	0
(h) Intergovernmental Relations	5	3
(i) Civil-Military Relations	2	0
(j) Local Government	3	2
(k) Courts	1	0
(l) Public Planning	0	1
4. Comparative Government	6	3
5. Area Studies { Latin-America Far East Europe USSR	2	4
6. Education for Citizenship	2	0
7. Scope and Methods of Political Science	2	0
Total	121	50

Despite some differences in emphasis, the Committee on Government and the group of leading political scientists apparently are in substantial agreement as to their research proposals.[9]

V

This article represents an effort at reporting on the essential research areas suggested by the reports of the Committees on Government and Public Administration. Despite certain gaps, most of which are admitted by the committees, both reports are comprehensive and are characterized by a simplicity of presentation and by a sophisticated awareness of the problems that appear important to scholars and to public officials who have had the opportunity and ability to reflect on postwar problems.

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[9] As Professor Anderson observes, neither group was influenced by the other. The letter of inquiry did not indicate to the correspondents what the Committee was planning to propose, and the analysis of the letters was not made until after the Committee's own report had been drafted.

The report of the Committee on Government and the report of the Committee on Public Administration—when it becomes available—should be read and digested by students of political science and public administration. The individual scholar, depending upon his background and immediate interests, will undoubtedly criticize both reports for neglect of some areas or for overemphasis of others. This observer, for example, would have preferred more detailed treatment of the public expenditures topic under the fiscal policy heading and of civil-military relationships. Other readers will probably display a similar and limited degree of dissatisfaction with other topics. By and large, however, the reports are attuned to the postwar research needs of political science as seen by a substantial group of the leading members of the profession.

It is significant to note that the research views of the committee members were undoubtedly influenced by recent and current experience in domestic and foreign affairs. Both committees avoided detailed treatment of the immediate problems of demobilization and reconversion. Both, however, emphasized the continuing importance of such areas as international administration and executive-legislative relationships.

Supplemented by the panel reports of the Research Committee of the American Political Science Association and by the research outlines of the Social Science Research Council, both reports constitute the type of research planning desired by those who want guidance and suggestion without any loss of freedom in individual research.

POLITICAL SCIENCE IN THE NEXT DECADE

PENDLETON HERRING
Harvard University

In the United States, the academic study of political thought and institutions for nearly two generations has been carried on in a quiet and often sequestered college atmosphere. Departments of political science, having achieved their independence from history or philosophy or from faculties of law, have freely pursued their interests and attracted satisfactorily large groups of students. Political scientists in the past have often been very effective as reformers and sometimes have served as lawmakers and administrators. Our profession has, however, been essentially a product of the humanistic and philosophic tradition of the liberal arts college. Our occasional forays into politics or administration have been treated rather as personal adventures than as habitual to the career of a student of government. As professors of a distinctive discipline, we have taught our courses and expected of our colleagues in other departments that respect for jurisdictional boundaries which serves as the greatest safeguard to our scholarly mysteries and the readiest protection of academic amenities. Changes are already upon us that promise to alter greatly these familiar and pleasant arrangements.

During the next ten years, the profession of political science will be facing conditions that promise to affect profoundly the nature of this discipline. These conditioning factors are (1) the relatively greater rôle that government has assumed and (2) the more active part that students of government are undertaking in public affairs. With these two factors as my premise, I shall discuss their implications for political science as a distinctive field of study.

The Enlarged Rôle of Government: In so far as political scientists are concerned, the enlarged rôle of government means that the subject-matter of our field is of increased interest to college students, to our colleagues in other social science departments, and to professional schools whose graduates will be either employed in the public service or working closely with officials.

Political science is at present a very popular subject for student concentration. Whether or not this popularity continues will depend upon the intellectual vigor with which political science is taught and developed in terms of research. Skill in teaching is very important, but more fundamental is the steady improvement through research of the subject-matter that is to be instilled in the mind of the student. Our large classes are evidence of the assumption that one can learn about the Great Leviathan by attending classes in political science. In my opinion, this is a sound assumption. Nevertheless, it is not one that can be taken for granted.

The study and teaching of government is too important to be left to political scientists! This paradox is valid in at least one important sense. As public controls and public services affect the lives of more and more people, all students of society find that their own discipline or field of specialization dictates a broadening concern with government and its effects upon individuals and social institutions. Teachers of law and jurisprudence, with greater or less enthusiasm, give increased attention to public law. Economists turn from a study of private enterprise to public policy and government regulation of the economy. Scholars in many fields are impelled to seek an understanding of governmental activities.

This trend finds expression very clearly in connection with professional training. Schools of commerce are recognizing that their students are not properly trained to deal with problems of industry unless they understand the place of government in business and labor relations. Institutes of technology are giving increased attention to the social sciences; the needs of their graduates dictate this new emphasis. The young lawyer today may think a career in the public service even more attractive than employment by a large New York law firm. The graduate student of economics may plan to work for some federal agency rather than to seek a position in one of our colleges. The social worker sees employment opportunities in both private charity and public welfare work. Even where public employment is not contemplated, the work of the lawyer, the economist, the engineer, the business-man, or the social worker may be as much concerned with public agencies as with private organizations. Thus, professional training in a number of important fields will in all likelihood include the study of governmental policy and administration as these problems pertain to a given profession.

Political scientists are thus occupying a field of research and teaching which willy-nilly is of concern to influential professional groups and of growing interest to all the other social sciences as well. This, I think, constitutes a new challenge for students of government. What they have to offer is becoming pertinent to scholars brought by the necessities of their own subject-matter to investigate impinging governmental policy. This situation provides a unique opportunity for offering aid and guidance to scholars who never before have been so much concerned with government as such. On the other hand, it means that the study of governmental problems cannot be the concern of one discipline to the same extent as in the past. During the next decade, the course of political science will be affected for better or for worse by the way in which we meet these broader opportunities.

Political science has much to offer. The traditional concern of political thought with the scope and justification of state authority is more than ever a vital question of contemporary life. Associational activity and the adjustment of group interests through legislative, executive, and judicial processes are both the subject-matter of political science and the substance of modern politics. The rule of law and the structure of government are topics for continuing discussion, and the student of government has an important contribution to make. The strength of political science lies in its central concern with the great range of problems that arise from the struggle for power within and between states. To describe and analyze the problems that rest ultimately upon the phenomenon of political power is the high responsibility of students of government. The integrity of our discipline is based upon this foundation. Hence, coöperation with the other social sciences does not mean that political scientists should become amateur economists or psychologists. The proper approach is rather to utilize whatever factual data or analytical tools sister disciplines may offer for the development of our own field. In this sense we can expect political science within the next decade to grow at the periphery where political questions are affected by social, economic, and psychological questions. Such interrelationships have long been recognized as significant, but they have today a new importance.

Greater demands are being made upon all the social sciences. If science can harness natural forces so effectively, why not seek also a better command over ourselves and our social environment? Impetus to such a trend may be one result of the present war. Notable advances in our understanding of human nature have been made in recent years. We can accept the value of moral sentiments while at the same time recognizing that psychologically human behavior is much more complex than a struggle between good and evil. We can adhere to justice as an ideal without insisting that it is expressed solely by judges who discover the law. We attempt more deliberately to understand and control our social relations. The size of both governmental and industrial organizations means greater emphasis on administration: the handling of human affairs by conscious decision-making and systematic direction. The voters insist that more and more issues be brought within the political process for adjustment. There seems to be less faith in the "automatic" determinates of a free market. Man, the political animal, seems to dwarf that nineteenth-century mythical figure, "the economic man." Phases of our public life which a generation ago were properly treated as essentially economic in character have today become "politicized." They can no longer be satisfactorily analyzed solely in terms of economic forces.

Modern economists are very well aware of this fact, and many are ready to follow whatever line of inquiry will enhance their command of their subject-matter. Thus, labor economists find that their knowledge of wage rates may be of little aid in dealing with the administration of labor unions. This latter problem lies squarely between the field of economics and political science. Students of government could bring over from their knowledge of political parties and local government, for example, viewpoints that would be revealing in the study of labor politics. Similarly, we find among agricultural economists scholars with an excellent grasp of the whole field of farm policy both in its economic and political ramifications. Sometimes experts of this sort tend to view politics as a topic for jocose reference rather than for systematic analysis. Often they may not be interested in following through the administrative or governmental problems with which they become necessarily concerned in the course of their analysis of policy questions. More likely, however, is an increasing concern on the part of economists with the obstacles that must be overcome in organizational or personnel terms or through legal enactments if their economic objectives are to be attained.

Fiscal policy is a good illustration. Implicit in theories of full employment and of compensatory spending is the necessity for effective governmental controls. This means that once men are persuaded to accept such economic policies as desirable goals, puzzling questions of how to proceed next immediately appear. Indeed, much of the skepticism with which such economic theories have been treated rises not so much from disagreement as to objective as uncertainty concerning our capacity to administer the program suggested. Here the student of government who possesses a firm knowledge of policy considerations can place beside these substantive data the pertinent governmental questions that have to be answered. For example, what adjustments in intergovernmental relations would be required by a given fiscal policy? What sectional political interests are affected by a proposed agricultural measure? What would be the attitude of the courts toward a program which, from a purely economic standpoint, seems defensible? Such questions suggest the border lines between disciplines where team-work might prove fruitful.

A good illustration of the way in which several social sciences can contribute distinctively to a common field of inquiry is found in public opinion research. Graham Wallas, Walter Lippmann, and A. Lawrence Lowell opened up the subject in broad and even philosophic terms. Harold Lasswell, Harold Gosnell, Harwood Childs, Peter Odegard, and other political scientists carried investigation further. Their work pushed the subject to the periphery of political science, and the most recent advances in public opinion research have been made by experts in other fields. At present, the notable work being done in attitude measurements and in polling techniques is carried on by psychologists, sociologists, and others whose backgrounds are even further removed from that of political scientists. The leadership in public opinion research is today in the capable hands of Hadley Cantril, Elmo Roper, George Gallup, Samuel Stouffer, Rensis Likert, and their numerous fellow-workers. The work of these men and their skill in polling opinion is of direct utility to officials and policy-makers. Moreover, their invention of new tools of analysis and their creation of new sources for data are a boon to workers in various fields.

Political science, by its very nature, can draw help from many sides. It is in the study of men reacting to their political institutions that we can call upon disciplines such as psychology, anthropology, and sociology. All three are concerned with human beings and their environment. Suppose we thought, for example, of political opinions not as individual judgments of rational men that serve as counters in the game of politics, nor of votes as statistical data for tabulation, but rather of the political attitude of an individual as one expression of his total personality within a social setting. In these terms we would see that the views a voter expresses in political debate are the product of much more than the wrangling on the hustings. We need to know much about the inner psychological wellsprings of thought and emotion and the influence of environment upon the developing personality. Neither political science nor psychology can offer any conclusive answer, but together the questions and hypotheses of students of politics and of personality should be able to advance our knowledge of political behavior. Or, for example, the research of Fritz Roethlisberger into the informal relationships discoverable among a group of industrial workers when closely observed over a period of time suggests a method of study deserving wider experimentation in different situations. The anthropologists can suggest factors for analysis that throw fresh light upon the reason why men behave as they do in social aggregates. They can give us a much broader view of the range of human motivation, and particularly of the effect of different social institutions upon individual patterns of response. Different societies foster or discourage by their institutional arrangement different phases of human reaction. From this standpoint, human nature is not seen as limited or immutable but as tremendously varied. We can gain an insight into the "power structure" and the "prestige priorities" of our own culture by comparing our ways with those of other people. For such purposes the anthropologist can lend his tools of analysis to the political scientist. Perhaps to a larger extent than heretofore, anthropologists can find in the study of contemporary political behavior in our culture, fields for research. Here again a close working relationship between a few scholars from each field would be desirable.

In facing the enlarged rôle of government and the resultant consequences that this brings to political scientists, we conclude (1) that coöperation with our sister disciplines is desirable, (2) that the traditional content of political science has much to offer, and (3) that important new advances can be made at the points where the expertise of the student of government touches that of other social scientists.

The Participation of Political Scientists in Government: In recent years, and particularly during the war, many political scientists have had unparalleled opportunities for participation in government. They have, in fact, proved the relevance of their training in the day-to-day tasks that they have discharged so well. They have brought a spirit of objectivity to the administration of policies where many selfish forces have been in conflict. They have often exhibited a helpful sensitivity to political and institutional relationships. They have gained much specific knowledge while at the same time contributing their own scholarly sense of perspective.

I think that the professional political scientist has a distinctive viewpoint of value. As already suggested, he is prone to consider the philosophical justification of governmental activity and policies. Beyond this, he is stimulated to inquiry into the political practicality and the organizational feasibility of proposals. He is also alert to the legal implication of measures or actions and their accord with concepts of constitutionality, rule of law, or civil rights. Above all, he is trained to consider problems in terms of their relationship between the government and the public, between various groups of the community, or within the government itself. Such viewpoints have a high relevancy.

This positive assertion of the value of political science is offered here because among our associates who have been serving the government there is a tendency on their part to be very critical of much of the traditional content of our field. This is healthy if it leads to a determination to capitalize upon their governmental experience and reinvest these hard-won gains in later writing and research. It is naïve when merely a disillusionment because prior assumptions have been challenged by direct experience in government.

The participant in government or the close observer of political or administrative behavior is impressed by factors quite beyond the traditional content of political science. He is struck by the fluidity of governmental relations, by the importance of personality, and by the interplay of forces that operate outside formal structural lines or which by-pass formal authority. Laws or theories setting forth what men should do are bound to contrast with what is actually done. Institutions that are supposed to operate in accordance with certain legal canons are often seen as a mere front for quite contrary behavior. Such contrasts are less disturbing than the inapplicability of some of the working assumptions of political analysis. For example, the distinction between policy and non-policy determining officials is found to be rather vaporous. The conception of official neutrality becomes the dubious utility. The convenient categories of politics and administration are seen to be rather artificial, and the separation of powers into executive and legislative branches appears formalistic and often disruptive of public purposes. Political controversies are seen expressed through administrative channels as well as in our legislatures. The pressure of self-interest plays upon the governmental machine not simply from the outside, but also through rivalries between agencies and conflicts among officials. All these forces are in constant flux. How can such a rapidly moving panorama be subjected to intensive and careful analysis? How can it even be adequately recorded? The more we know of the intricacies and variables that make up the governmental process, the more difficult our task of studying government is recognized to be.

The significance of governmental experience for the profession of political science and for the advancement of research and teaching invite speculation. In practical terms, there is little question but that political scientists have won a lasting place for themselves as public officials. We can expect some delay before this fact is reflected in civil service classifications, but this is a procedural detail. Moreover, the content of teaching is bound to be enriched by professors whose lectures contain the fruits of both theory and practice. Even after discounting the anecdotalism of how-I-fought-the-war-in-Washington, the net gain in the classroom promises to be substantial. In broader terms, I see three important respects in which the governmental experience of political scientists may influence our field in the years immediately ahead. These personal impressions are based on many talks with fellow-political scientists, and more particularly upon a series of dinner meetings held with members of the profession in Washington during 1943 and 1944 under the auspices of the Social Science Research Council.

These meetings brought forth one consistent reaction, namely, the importance of political theory and a philosophic sense of values in government. Over and over again was voiced criticism of the attention that political science courses had given to procedural details, to formal structure, and to mere legalism. Burn the textbooks! Get back to the fundamentals in terms of theory and to the realities in terms of practice! Such emphatic reactions had emotional overtones, but they were symptomatic of a considerable disquietude with much of our traditional approach. Certainly the affirmative assertion of political values is prominent in the thinking of political scientists. Contact with government has sharpened a determination to teach the nature of the democratic process.

A second tendency is the awakening of interest in substantive fields of public policy such as agricultural policy, labor policy, fiscal policy, international trade, and so forth. Here the work of political scientists will come very close to that of economists who specialize in the subject-matter problems of these fields. In fact, no hard and fast line can be drawn between the interests of the two disciplines. Up to the present time, specialists in these fields have been, for the most part, economists. Such a clean-cut distinction is less likely in the future. Moreover, the interest of some political scientists has been stimulated in fields such as social security, housing, shipping, and transportation. Others have familiarized themselves with policy problems relating to oil, coal, lumber, and many other commodities. The demands of government service have broadened the interests of political scientists and encouraged them at times to become formulators and defenders of public policies. Many have taken with alacrity to these rôles.

The Distinctive Duty of the Political Scientist. The pressure of events and the spirit of the times both foster the tendency of students of government to preach democratic values and to promote specific policies. Public need and personal inclination combine to urge men toward such immediate goals. There is, however, a third objective that is underscored both by the enlarged rôle of government and by the wider participation by political scientists in public affairs. This is the need for a better understanding of political behavior. Obviously, the greater the scope of government in a democracy the greater becomes our need of understanding the behavior of men as citizens, politicians, legislators, officials, and judges. The more intimate the relationship the student of government has with its actual processes, the better he should be able to grapple with its problems. However, the motivation for dispassionate research lacks the external impetus that is accorded either the philosopher or the statesman. And the political scientist, despite his title, is continually attracted into one or both of these rôles. It is fitting that students of government, no less than other men, put their individual talents to optimum use. My plea is simply that due attention be given the systematic study of governance. This is the unique duty of the political scientist as such.

From the standpoint of society we have need for "men of belief." Political philosophy is important. We need "men of action." Programs must be formulated and policies executed. Equally needful are "men of understanding"—of ourselves, of our social behavior, of our economic institutions, and of our political life. The political scientist as a "man of understanding" has here his most distinctive rôle and one that should not be lost sight of in the multitude of assignments that so many students of government have undertaken. The political scientist needs to carry on direct and systematic observation of legislators, politicians, officials, voters, and propagandists as they rub elbows together in the hurly-burly of political life. He should, for example, study the process of policy formulation. Obviously, if so much economic and social activity is to be guided by governmental determination, the process by which policy decisions are made becomes of great interest both to those directly involved in negotiations and to those who are affected in greater or less degree by the outcome. Repetitive studies could be made of the stages by which policy evolves in a great number of fields. From such studies it is not unreasonable to expect that specialists should achieve some degree of predictability. Their advice in the framing of issues and in the timing of moves could be helpful. Today many such specialists act as lobbyists, but the knowledge such men possess is unformulated and for the most part directed to rather narrow ends. Political scientists should be able to attain the same degree of sophistication and then utilize their knowledge to promote a better understanding of the governmental process. Legislators and officials are more or less skilled in formulating policies and in directing their measures through the channels necessary to the realization of policy objectives. Political scientists, because of their broad concern with the machinery of government, should be able to learn from practitioners who may have narrower interests and to develop these findings into an orderly general body of knowledge.

An understanding of how men behave as "political animals" seems basic to all study of government. The most substantial work has probably been done in research concerning voting and the electoral process. We have political biographies and some studies of boss rule. Here, perhaps, more attention has been given to the pathology of political behavior than to its normal and thereby more significant aspects.

Scholars need better access to the focal areas where political behavior may best be observed. It is not enough to say that the student of politics is surrounded by the subject-matter of his specialty and all he needs to do is keep his eyes open. Improved facilities are essential if an observer is to understand what goes on within a legislative assembly or an administrative agency. Difficult methodological problems must be met; additional financial support for research must be found. We need for our field an equivalent of the natural scientist's laboratory.

There is nothing new in the viewpoint urged here, but the decade ahead lends it new relevance. I am not emphasizing one aspect of political science to the exclusion of others; but I do insist that the systematic study of political behavior is particularly urgent in view of the developing relationship of political scientists to other social scientists and to government. This approach is the way in which the study of government can be developed most distinctively and be related most effectively with the other social sciences. The common concern of other social sciences with problems impinging upon government will help in expanding the scope of political science. The needs of government will provide opportunities for learning by doing. But whether a decade hence political science will have become a coherent and systematic body of knowledge that can serve as a bulwark of democracy and one device for better policy-making depends upon the way in which we improve our tools of analysis. Better analytical work will mean that "men of understanding" can discharge more effectively their responsibilities as scholars and thereby pull their weight equally with "men of belief" and "men of action." As Jacques Barzun has written: "There is no lack of unity in our intellectual life, but too many lack faith in their own relation to it."

The social sciences draw closer together as their boundaries expand in studying the behavior of man in society. Students of society become participants in governance and add to their range of interests and knowledge. The question now before us is how best to relate these fresh insights and this new command of factual data to the future development of the social sciences. For no discipline is this problem of higher pertinence than for political science.

NEWS AND NOTES

PERSONAL AND MISCELLANEOUS

Compiled by the Managing Editor

At commencement exercises on June 5, Columbia University conferred the honorary degree of doctor of letters upon Professor Kenneth Colegrove of Northwestern University, secretary-treasurer of the American Political Science Association.

Professor Maure L. Goldschmidt, who served as visiting assistant professor of political science in the College of the University of Chicago during 1944–45, has accepted an appointment for 1945–46 combining the positions of research with Charles E. Merriam and assistance to the department in reorganizing its requirements for the master's degree.

After two years in the position, Miss Dorothy Schaffter (formerly professor of political science at Vassar College) has resigned the presidency of Connecticut College for Women.

Professor James K. Pollock, of the University of Michigan, has been appointed an adviser to the American group of the Central Control Council which is to govern postwar Germany. His duties relate particularly to local and regional government, civil service, and allied problems of internal affairs, and he expects to be in Germany throughout the academic year 1945–46.

Dr. E. M. Kirkpatrick, associate professor of political science at the University of Minnesota, has been granted a year's leave to serve as assistant research director, Research and Analysis Branch, Office of Strategic Services, at Washington, D. C.

Professor Ethan P. Allen, now with the Bureau of the Budget, has been granted leave of absence from the State University of Iowa until July 1, 1946.

During the summer and autumn, Professor Hugh A Bone, of Queens College, is serving as director of research for the New York State Joint Legislative Committee on Industrial and Labor Conditions, popularly known as the Ives Committee.

Professor Phillips Bradley has secured leave of absence from Queens College in order to spend a year as a member of the department of political science at Cornell University.

Professor Gordon Skilling, who during the past year has been in charge of foreign broadcasting for the Canadian Broadcasting Corporation, will return to his regular post at the University of Wisconsin in the autumn.

Dr. Robert Lacour-Gayet, former director of the Economic Department of the Bank of France, completed in June a course of lectures on administrative law at the Fletcher School of Law and Diplomacy.

Dr. D. Barlow Burke has returned to his post as assistant district attorney in Philadelphia after service of two and one-half years as legal adviser in the United States Naval Reserve.

The board of trustees of the Governmental Research Association has announced the establishment of a permanent secretariat, with Mr. G. Gordon Tegnell in charge, and the opening of a national office at 30 Rockefeller Plaza, New York City.

At Yale University, the name of the department of government and international relations has been changed to "department of political science."

Professor John B. Mason, on leave from Fresno State College, and on loan from the FEA to the War Department General Staff, started in July on a ninety-day assignment in Germany under the direction of the undersecretary of war.

Dr. Robert M. W. Kempner, of Lansdowne, Pa., has been appointed expert consultant to the Secretary of War and assigned to the War Crimes Division of the Judge Advocate General's office.

At Iowa State College, Professor Louis B. Schmidt has resigned the chairmanship of the department of history and government, being succeeded by Dr. Clarence H. Matterson. Dr. Schmidt continues as professor of history.

By way of correcting a possible misinterpretation of a footnote statement in connection with his article in the June issue of the REVIEW, Dr. Francis C. Balling desires it stated that he severed his connection with the government of Austria on the day when the Nazis assumed control of the country's affairs.

Dr. Louis Brownlow, first director of Public Administration Clearing House, retired from this position on May 1, 1945. He was succeeded by Herbert Emmerich, one time associate director of Public Administration Clearing House and subsequently secretary of the War Production Board and commissioner of the Federal Housing Authority. A testimonial dinner was given for Mr. Brownlow on June 8.

Professor Joseph P. Harris, on leave from the University of California and now director of personnel for the United Nations Relief and Rehabilitation Administration, will return to full-time teaching in the fall term. Professor Harris is at present in Europe for a visit of several months.

Colonel O. W. Wilson, C.M.P., professor of police administration at the University of California, and on leave for the duration, has been appointed supervisor of all public safety agencies in the new United States Group Control Council for Germany.

Dr. Eldon L. Johnson, for some years director of the Graduate School of the U. S. Department of Agriculture, has accepted a professorship at the University of Oregon and will take up his new duties in September.

Professor J. William Robinson, who has been placed in charge of an expanded group of international relations offerings at Purdue University, will be on leave from teaching for several months for the purpose of a writing project in international relations.

Miss Rita Davidson is serving as an instructor in government at New York University during the current summer session.

Professor Heinz Guradze, of Park College, is with the U. S. Strategic Boundary Survey on overseas duty in the European Theater of Operations.

Associate Professor Ray F. Harvey, of New York University, was appointed, as of June, 1945, to the Regional Committee on Administrative Personnel of the U. S. Civil Service Commission.

Dr. William S. Shepherd, assistant professor of political science at Kent University, Kent, Ohio, has received a one-year appointment as assistant professor of political science at the State University of Iowa for the academic year 1945–46. Dr. Shepherd will fill the vacancy left by Dr. Jack T. Johnson, who entered the Navy and is now in Washington engaged in a study of Russian documents related to the war. Dr. Johnson has recently been awarded a Rockefeller postwar fellowship to do research in Russia after the war.

At the University of Tennessee, a Bureau of Public Administration has been organized succeeding the Governmental Reference Service. Dr. Lee S. Greene is director of the Bureau and Mr. Stanley Johnson is field secretary.

At the University of Pennsylvania, Dr. J. C. Phillips has been promoted to an associate professorship.

Lt. (jg) William G. Torpey, administrative assistant to the Assistant Commandant of the U. S. Maritime Service, Washington, D. C., made an address on in-service training at the U. S. Maritime Service Training

Conference held at Fort Trumbell, New London, Conn., July 11–15. Previous to his assignment at Maritime Headquarters, Lt. Torpey was classification and selection officer and educational officer at the U. S. Maritime Service Training Station, St. Petersburg, Florida.

During the summer quarter at the University of Chicago, Dean Wilbur W. White, of Western Reserve University, gave a course on Contemporary Diplomatic Problems, and Professor Hans Weigert, of Carleton College, a course on Politics and Geography.

During the greater part of 1943 and 1944, and part of 1945, Dr. Henry B. Hazard, as designated representative of the Commissioner of Immigration and Naturalization in the Department of Justice, conferred naturalization overseas upon non-citizen members of the Armed Forces of the United States. During the time, he was on leave from his posts as director of research and educational services in the Immigration and Naturalization Service and as adjunct professor of political science in the School of Social Sciences and Public Affairs at the American University.

Professor Henry P. Jordan, who served with the Pan American Branch of the Foreign Economic Administration from last fall, has returned to New York University (where he will again teach courses in comparative government and Latin American affairs). In June, he lectured on Latin American problems at an Institute for International Understanding held by Virginia State Teachers College at Farmville, Virginia.

Professor Harlow J. Heneman, who has been on leave from the University of Michigan three years—first for work on German matters in the Military Intelligence Service of the War Department General Staff, and later as a specialist on German affairs in the Division of Administrative Management, U. S. Bureau of the Budget—has been designated by the State Department as economic adviser in the Office of the U. S. Political Adviser on German Affairs to Supreme Headquarters, Allied Expeditionary Forces. He left for Germany in July, and his leave at Michigan has been extended accordingly.

At the Illinois Institute of Technology, Professor John Day Larkin, who was on leave during the academic year 1944–45, serving as vice-chairman of the Sixth Regional War Labor Board in Chicago, has been appointed dean of the Lewis Institute of Arts and Sciences, and Dr. Herbert A. Simon has been promoted to the rank of associate professor. Dr. Larkin assumed his new duties July 1.

"Colonial Williamsburg" has in preparation an index to the *Virginia Gazette*, published in Williamsburg from 1736 to 1780. For several years two papers were printed with the same name, and in 1776 there were three. The compilation is under the direction of Dr. Lester J. Cappon, research editor of the Institute of Early American History and Culture, Williamsburg, Virginia, who would appreciate receiving information about copies of the *Gazette* in institutions or private hands.

Captain Hilton P. Goss, on leave from the State College of Washington, has recently completed more than a year of service as Historical Officer of the Central African Division of the Air Transport Command, with headquarters at Accra, Gold Coast, British West Africa. He is at present Historical Officer of the North African Division of the Air Transport Command (with headquarters at Casablanca, French Morocco), which has absorbed the former Central African Division. Captain Goss is now engaged in directing the research and writing connected with the preparation of a history of American transport aviation in Africa, the Mediterranean, the Middle East, and Arabian areas since the early days of the war.

At Western Michigan College of Education, Professor D. C. Shilling has become head of the department of political science. Ohio Northern University recently conferred on him the honorary degree of doctor of pedagogy.

Dr. Eugene Staley, formerly professor of international economic relations at the School of Advanced International Studies, Washington, D. C., has resigned to become director of the Bay Region office of the Institute of Pacific Relations in San Francisco. He will also give a course in the Graduate School of Business at Stanford University during the winter and spring quarters.

Professor O. Douglas Weeks has taken leave from the University of Texas in order to serve on the faculty of one of the University Study Centers to be used in the Army Education Program for troops in the European Theater of Operations. During his absence, Professor Howard A. Calkins will serve as chairman of the department at Texas.

Professor Hans J. Morgenthau served as director of the twenty-first Norman Wait Harris Foundation institute at the University of Chicago, July 9–13, and public lectures were given by Professors Percy E. Corbett of Yale University, Malbone W. Graham of the University of California at Los Angeles, Frederick L. Schuman of Williams College, and Eugene Staley, recently of the School of Advanced International Studies at Washington, D. C. The principal speaker in the closed sessions was James L. Fly, former chairman of the Federal Communications Commission.

Dr. Herbert Wright, professor of international law and chairman of the department of politics in the Catholic University of America, died suddenly at his home on April 12, leaving behind him a long and full record of study, writing, and teaching in both political science and international law. In addition, he had served both the Department of State and the Carnegie Endowment for International Peace as an editor of various documentary materials and had attended a number of international conferences in the same capacity. He was at the time of his death a member of the Executive Council of the American Society of International Law. Professor Wright was a scholar of unusual powers of perception, balanced judgment, unquestioned integrity, and tireless devotion to the causes which he believed worthy.—PITMAN B. POTTER.

Dr. Luther H. Evans, acting librarian of Congress since the resignation of Archibald McLeish on December 1, 1944, was on June 16 appointed librarian by President Truman. Dr. Evans was an instructor in government at New York University in 1927–28 and at Dartmouth College in 1928–30, and assistant professor of politics at Princeton University from 1930 to 1935, when he went to the Library of Congress. In 1935, he directed the historical survey of archives and source materials for the Works Projects Administration.

Dr. Egbert S. Wengert, on leave of absence since March, 1942, for service with the Office of Price Administration, has resigned his position as chief of the Training Branch of that organization to resume in September his occupancy of the Carter Glass chair of government at Sweet Briar College.

Dr. John Brown Mason, of the Foreign Economic Administration, has been awarded a grant-in-aid by the American Council of Learned Societies for the publication of his book, *The Danzig Dilemma; A Study in Peace-Making by Compromise.* The research project was carried on with the help of a grant-in-aid from the Social Science Research Council, and the book will be published this summer by the Stanford University Press.

Under the auspices of the Coördinator of Inter-American Affairs, the fourth annual workshop in Inter-American Education was held at the University of Denver from June 18 to July 20.

In the new curriculum in liberal arts at the State University of Iowa, all students must take a "core course" in social science designed to provide basic understanding of human relations. A new course called "Government" has been organized to meet this requirement. Much broader than the traditional courses in American and comparative government, it includes the study of economic and social phenomena from the political viewpoint. The subject-matter of social science is integrated by constant attention to political processes. Since government is a universal feature of organized society, it may properly serve as a pivot of orientation for study in the whole wide field of social science. The course is under the direction of Professor John E. Briggs.

Consideration of the internal organization of the University of Chicago has been in progress for over two years, by means of a joint committee of the trustees and the University Senate. Professors Quincy Wright and Leonard D. White served as members of the joint committee. A new plan of organization including a new University Senate, comprising all members of the faculty of the rank of assistant professor and above, a University Council of fifty-one members elected by the Senate, and a committee of seven elected by the Council, was inaugurated in May. Elections in each case were by the Hare system of proportional representation. Professor White was elected to the Council and to the Committee and was requested by the Committee to serve as its spokesman.

Mayo Fesler, for many years director of the Citizens' League of Cleveland, was succeeded on April 1 by Mr. John E. Bebout. Mr. Fesler, who had been in ill health for some months, was continued as consultant, but died at his home on May 6. Mr. Bebout came to Cleveland from the executive vice presidency of the New Jersey Constitution Foundation headed by former Governor Charles Edison. He had been head of the department of government at the University of Newark for many years. He was also for a time executive assistant to Governor Edison prior to the organization of the New Jersey Constitution Foundation to carry on a program of research and popular education concerning the state constitution and government. The director of the Citizens' League of Cleveland is also director of the newly established Cleveland Bureau of Governmental Research.

The Southern Regional Training Program in Public Administration has selected ten Fellows for the second year of this experiment. Two Fellows were lately graduated from Vanderbilt University, two from Alabama College, and one each from Guilford College, Texas State College for Women, Middle Tennessee State College, Ouachita College, Hendrix College, and the University of Chattanooga. Selection from a much larger number of applicants was made by considering their undergraduate records, both in scholarship and activities, evaluations by their professors and other persons, and their scores in mental ability and aptitude tests and in a personality inventory. The ten Fellows assembled June 11 for a week of orientation at the University of Alabama. Participants in the week's program included Dr. Henry Reining, Jr., of the National Institute of Public Affairs, representatives of the three coöperating universities (of Alabama, Tennessee, and Kentucky) and the Tennessee Valley Authority, and heads of departments in the state governments of Alabama, Tennessee, and Kentucky in which the Fellows are serving internships during the three summer months. The Fellows will be in residence in 1945–46 at the University of Alabama for the fall quarter, at the

University of Tennessee for the winter quarter, and at the University of Kentucky for the spring quarter. Each fellowship carries a grant of $750 and fees for the year. A certificate in public administration is given each Fellow upon satisfactory completion of the training program. Dr. Howard White will continue as educational adviser of the Program until September 1, 1945, when he will resume his duties as head of the department of government at Miami University.

With the aid of a grant of $250,000 from the Rockefeller Foundation, Columbia University has established a Russian Institute which will open July 1, 1946, and will be the first of six regional organizations to be started at the University for the study of the life and thought of principal areas of the modern world. The other five institutes will deal with the British Commonwealth, East Asia, Latin America, France, and Germany. The purpose of the plan, as explained by President Butler, is to develop a highly trained corps of American teachers and administrators with special knowledge and understanding of the social, political, and economic problems of peoples who are to play an important rôle in shaping the course of world events. Also announced by President Butler is the formation of a School of International Affairs to function in close coöperation with the institutes, with the Parker School of Advanced Studies, and with other faculties of the University which provide specialized training in the international sphere. The institutes will be staffed by groups of outstanding scholars who have specialized in one of the pure or applied sciences of human conduct with special reference to some specific geographical area. Some of these scholars will be drawn from the present University staff, while others will be recruited from other institutions. Professor Geroid T. Robinson, at present chief of the Russian division of the Office of Strategic Services in Washington, has been appointed director of the Russian Institute.

With the downfall of the neo-fascist government in Northern Italy at the end of April, 1945, a brief statement about the publication of decree-laws, decrees, and other official acts may be helpful. By decree of August 2, 1943, the Fascist party had been dissolved shortly after the ouster and arrest of Mussolini. Near the middle of September, and very soon after the reported release of Mussolini by units of the German armed forces, the king of Italy and his government fled from Rome to the liberated area. The *Gazzetta ufficiale del regno d'Italia*, the official gazette of the Italian government, continued daily publication in Rome. In Number 223 (84th year) of September 24, 1943, were two orders of the military commander of Rome, one of the 14th appointing commissars for each of the civil ministries, and one of the 16th for each of the three defense ministries. Meanwhile the "puppet" government had been formed in Northern

Italy. At least as early as September 25, Mussolini functioned as "il Duce del Fascismo, capo dello Stato nazionale repubblicano," in promulgating decree legislation, the place of promulgation being indicated here as well as subsequently as "Dal Quartiere Generale." With the number of October 19, the title of the gazette became *Gazzetta ufficiale d'Italia*, the phrase *del regno* being dropped. About the middle of November, at the time of the Fascist party conference in Verona, the *Gazetta ufficiale* was removed from Rome to Brescia in the north, the numbering and pagination being continued. After this time the decree legislation was enacted by Mussolini as "Il Duce della Republica sociale italiana, capo del governo." A coat of arms and seal for the Republica Sociale Italiana, the neofascist state, were prescribed in a decree of January 23, 1944. Under the same date, another decree formally replaced the Fascist party (Partito nazionale fascista) by the Partito fascista repubblicano. In the liberated area, publication of a "Serie speciale" of the *Gazzetta ufficiale del regno d'Italia* was initiated with No. 1 (November 18, 1943) of the 84th year, the address being P. M. 151. From February 19 to July 8, 1944, the numbers of the special series (85th year) were published at Salerno. Beginning with July 27, 1944 (No. 40), publication of the *Gazzetta ufficiale* was transferred to Rome, and with the 86th year, 1945, the designation "Serie speciale" was discontinued.—J. B. CHILDS.

Joseph Ralston Hayden. The sudden and unexpected death of Joseph Ralston Hayden in Washington, D. C., on May 19, has deprived the country of one of its leading authorities on Far Eastern and Philippine affairs. His monumental work, *The Philippines; A Study in National Development*, the result of years of study and active participation in Philippine government, is indispensable to any student of colonial administration. He had but recently returned to the United States, on leave from his duties as expert adviser on civil affairs on the staff of General Douglas MacArthur, and was in Washington in consultation with officials of the War Department when he was stricken.

Hayden's association with the Philippines was extensive and varied. He was exchange professor in the University of the Philippines in 1922–23, and visiting professor in 1930–31. From 1933 to 1935 he served as Vice Governor and Secretary of Public Instruction under Governor-General (now Justice) Frank Murphy. Referring to this period of Hayden's career, Justice Murphy wrote: "As Vice Governor of the Philippines in the crucial years of 1934 and 1935, Hayden brought to bear on delicate problems of statecraft an understanding of the Philippines, its people and institutions, that no other American possessed in the same degree. His discriminating judgment and unquestioned integrity were admired and acknowledged by Filipinos and Americans alike."

In 1941, Hayden became a member of the board of analysts in the Office of Strategic Services. His duties carried him on important missions, including a secret and confidential one to Chungking. At the special request of General MacArthur, he was transferred in 1943 from the O.S.S. to the War Department as a member of MacArthur's staff, with headquarters at first in Australia and later in the Philippines.

Hayden was born in Quincy, Illinois, September 24, 1887. He was graduated from Knox College in 1910, and in the same year began an association with the University of Michigan which continued until his death. He received his M.A. degree from Michigan in 1911, and his Ph.D. in 1915. His doctoral dissertation, *The Senate and Treaties, 1789–1817*, remains the standard reference work on the subject. A member of the department of political science since 1912, Hayden passed through the various ranks to a professorship in 1925. He became chairman of the department in 1937, but, due to prolonged absence in government service, resigned the post in 1943. In 1941, he was appointed James Orrin Murfin Professor, a special chair to which he expected to return at an early date.

In World War I, Hayden was in active service from April, 1917, to February, 1919, as lieutenant in the U.S.N.R.F. He was awarded the silver star citation by the Secretary of the Navy. Among his other noteworthy activities was his chairmanship of the Committee on Reform and Modernization of Government of the State of Michigan, 1938–39. He was secretary-treasurer of the American Political Science Association from 1925 to 1929, and third vice-president in 1931.

No review of the career of Joseph Ralson Hayden would be complete without a tribute to his personality. Imbued with a high sense of public duty, he served to the full limit of his strength and ability. In addition, he had a positive genius for making friends, and their number was legion. At the University of Michigan, faculty and students alike will long remember him with affection and respect.[1]—EVERETT S. BROWN.

William E. Mosher, dean of the Maxwell Graduate School of Citizenship and Public Affairs of Syracuse University, died in his sixty-eighth year on the first of June at the home of one of his sons, Major Frederick C. Mosher, in Washington, D. C. Dr. Mosher was graduated from Oberlin College in 1899 and received his Ph.D. from the University of Halle. Oberlin awarded him the honorary degree of LL.D. in 1940. For thirteen years he taught German at Oberlin, leaving during World War I to go to the New York Bureau of Municipal Research for the next seven years.

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[1] The REVIEW has received from Manila a stirring tribute to Professor Hayden in the form of a memorial address by James G. Wingo, of the O.W.I., on the radio program, "The Philippine Hour," on May 23, 1945.

While there, he participated in numerous Bureau projects and conducted important surveys, especially on personnel problems, for the United States Department of Labor, the Joint Commission on Reclassification of Salaries, the Post Office Department, and other agencies. During this period he served for two years on the staff of the New York Legislative Commission on Taxation and Retrenchment, and was director of the National Institute of Public Administration in New York from 1920 to 1924.

When the Maxwell School was founded at Syracuse University in 1924, he was named director (later dean). From its inception, he gave full support to the program of the founder, Mr. George H. Maxwell, to further citizenship education. The freshman course in the College of Liberal Arts was created and directed by him and came to be known as an outstanding freshman program in the field of citizenship education. In 1941, he edited his *Introduction to Responsible Citizenship*, the text used in this course. Through his teaching, public lectures, and the round-tables of the American Political Science Association, he awakened college faculties, students, and graduates to the importance of citizenship and participation in public affairs. Another unique contribution was his graduate course in public administration. The same enthusiasm, optimism, and vision found in his devotion to citizenship education made this graduate program most significant in the training of hundreds of students for posts in federal, state, and local government.

Research activities occupied a large portion of his time throughout his twenty-one years at Syracuse. He directed research for the Joint Legislative Commission which inquired into the Public Service Commission Laws of New York State in 1929. In 1934, he was appointed by the Federal Power Commission to direct a nation-wide survey of electric power and light rates. He was considered an outstanding American authority on public utilities and published several studies and books in the field. He was responsible, too, for administrative studies in the State Department and the Foreign Economic Administration at Washington in 1944.

His major interest throughout his long career in public administration was in the field of personnel, and his study of public personnel administration, with Dr. John D. Kingsley, is regarded by public officials and teachers as the foremost volume in the field.

As a member of the American Political Science Association, Dr. Mosher served on the Executive Council from 1929 to 1931 and was first vice-president in 1937. He was a founder of the American Society for Public Administration and its first president, and members of the American Political Science Association will remember the joint meeting in 1940, the occasion of his presidential address. He was active in the National Municipal League and in a score or more of other associations devoted to citizenship education and public administration, among them the Government Research Association, the City Managers Association, and the Civil Service Assembly of the United States and Canada.

Throughout his entire professional career Dean Mosher was a pioneer, and he had the courage to develop new ideas. His vision as a leader, his skill as an organizer, his productive work as a scholar, brought prestige and influence to Syracuse University and the entire profession. He had a passion for excellence. He gave a life-time to the public service and to the teaching profession with loyalty and success. In the hearts and minds of hundreds of his former students is a living memorial to the ideals, the enthusiasm, and the vigor of his pioneering personality. His colleagues at Syracuse and in the American Political Science and allied associations mourn his loss, but will long remember his contribution to the causes he sponsored.—DEPARTMENT OF POLITICAL SCIENCE, SYRACUSE UNIVERSITY.

DOCTORAL DISSERTATIONS IN POLITICAL SCIENCE

IN PREPARATION AT AMERICAN UNIVERSITIES[1]

COMPILED BY DAVID FELLMAN
University of Nebraska

POLITICAL PHILOSOPHY AND PSYCHOLOGY

William M. Barr; Litt.B., Rutgers, 1928; A.M. Columbia, 1936. The Philosophy of Woodrow Wilson. *Columbia.*

Raymond Francis Cour, C.S.C.; A.B., Notre Dame, 1937; A.M., *ibid.*, 1943. Catholic Action and Politics. *Notre Dame.*

Richard Eugene Curl; A.B., Ohio State, 1939; A.M., *ibid.*, 1940. The Impact of War on Government Publicity. *Princeton.*

Jack G. Day; B.S., Ohio State; LL.B., *ibid.;* A.M., *ibid.* The Influence of Roscoe Pound on American Jurisprudence. *Ohio State.*

Karl Wolfgang Deutsch; Dr. of Law and Political Science, Prague, 1938. The Economic Factor in Nationalism; A Technique of Enquiry Applied to Some Successors of Central Europe. *Harvard.*

[1] Similar lists have been printed in the REVIEW as follows: V, 456 (1911); VI, 464 (1912); VII, 689 (1913); VIII, 488 (1914); XIV, 155 (1920); XVI, 497 (1922); XIX, 171 (1925); XX, 660 (1926); XXI, 645 (1927); XXII, 736 (1928); XXIII, 795 (1929); XXIV, 799 (1930); XXV, 798 (1931); XXVI, 769 (1932); XXVII, 680 (1933); XXVIII, 766 (1934); XXIX, 713 (1935); XXX, 811 (1936); XXXI, 772 (1937); XXXII, 796 (1938); XXXIII, 732 (1939); XXXIV, 767 (1940); XXXV, 752 (1941); XXXVI, 734 (1942); XXXVII, 706 (1943); XXXVIII, 766 (1944).

Items which appeared in the August, 1944, list are in general classified under the same headings in the present list, and new items have been assimilated to the 1944 classification as far as possible. In cases where classification of an item has been suggested by the institution concerned, the suggestion has been followed. Each item is listed under one classification only. Names starred are merely carried over from the 1944 list, no more recent data having been received.

The lists printed in the REVIEW are based on information from departments giving graduate instruction in political science. Often dissertations are in progress in departments of economics, history, sociology, etc., which overlap or supplement dissertations in preparation in political science. Attention is called especially to the following lists: "Check List of Current Researches in Public Administration Reported to the Committee on Public Administration, Social Science Research Council" (mimeographed, most recent edition, January, 1943); "Doctoral Dissertations in Political Economy in Progress in American Colleges and Universities," in the *American Economic Review;* "List of Doctoral Dissertations in History Now in Progress," formerly published by the Division of Historical Research, Carnegie Institution of Washington, but since the 1938 issue as a Supplement to the *American Historical Review;* and "Higher Degrees in Sociology," in the *American Journal of Sociology.* Usually one list is published each year. These are in addition to the "List of American Doctoral Dissertations Printed in 1938," the most recent of an annual series published by the Library of Congress; and Edward A. Henry's "Doctoral Dissertations Accepted by American Universities, 1943–1944," the eleventh of a series beginning in 1933–34, compiled for the Association of Research Libraries.

Cletus Francis Dirksen, C. PP. S.; A.B., St. Joseph's College, Collegeville, Indiana, 1926; A.M., Catholic University, 1941. The Relation of Church and State in the United States According to Orestes Brownson. *Notre Dame.*

Thelma A. Dreis; B.S., Minnesota, 1923; A.M., *ibid.*, 1930. A Study of the Public Opinion Poll as an Instrument in Administration, with Special Reference to Food and Nutrition Polls. *American.*

David Easton; A.B., University of Toronto, 1939; A.M., *ibid.*, 1943. Conceptions of the Élite in English Political Thought during the Nineteenth Century. *Harvard.*

Bro. Dominic Elder, C.S.C.; A.B., Notre Dame, 1936; A.M., *ibid.*, 1942. Thomas Paine and his Philosophy of the Common Man. *Notre Dame.*

Harold L. Elstien; A.B., Syracuse, 1934. Democratic Tolerance of Anti-Democratic Organization. *Chicago.*

Gisbert Henry Flanz; Free School of Political Science, Prague, 1936; Dipl. Sc. Pol., *ibid.*, 1939. The Doctrine of the Separation of Powers; An Historical and Analytical Study in Political Theory and Comparative Constitutional Law. *Princeton.*

Samuel Fox; Ph.B., Chicago, 1924. Majority Rule and Minority Representation as Provided by the Electoral System of the Limited Vote. *Notre Dame.*

Stephen S. Goodspeed; A.B., California, 1936. The Attitudes of Special Interest Groups Toward Germany, 1933–1939; A Study in Public Opinion. *California.*

Hugh Halton; A.B., St. Thomas Aquinas, 1936; A.M., Catholic University, 1941. The Thomistic Theory of Peace. *Catholic University.*

Carroll Hawkins; A.B., West Virginia, 1934; A.M., Minnesota, 1937. The Political Philosophy of Harold J. Laski. *Minnesota.*

Martin Joseph Hillenbrand; A.B., Dayton, 1937; A.M., Columbia, 1938. An Analysis of the Concept of Obligation. *Columbia.*

Cecelia Maria Kenyon; A.B., Oberlin, 1943. Human Nature in American Political Thought. *Radcliffe.*

Mary Helena Kirsten; A.B., Wisconsin, 1935. The Political Columnists. *Chicago.*

Maurice J. Klain; A.B., University of Omaha, 1940; A.M., Oberlin, 1941. The Small Property Owner as the Basis of a Free Society: Recent Exponents of a Jeffersonian Tradition. *Yale.*

Eugene E. Koch; A.B., Pittsburgh, 1932; A.M., *ibid.*, 1935. Political Philosophy of John Selden. *Pittsburgh.*

Bernard Kronick; A.B., California, 1937. Recent American Conservative Thought, 1920–1942. *California.*

Thomas B. Larson; A.B., Nebraska, 1937; A.M., Chicago, 1938. A History of Ideas Concerning Legislatures and Representation. *Columbia.*

Channing Liem; Diploma, Union Christian College, Korea, 1930; B.S., Lafayette College, 1934. The Influence of Western Political Thought on China. *Princeton.*

Lena London; A.B., Hunter College, 1941. Sources of Ideas of Western State Constitutions, 1830–1860. *Clark.*

Herbert McClosky; A.B., University of Newark, 1940. Nationalist Theories of Federalism in the United States. *Minnesota.*

Thomas Francis Maher; A.B., St. Joseph's Seminary, Yonkers, 1936; A.M., Notre Dame, 1942. Population and Politics; The Political Aspects of Birth Control. *Notre Dame.*

Robert Earl Martin; A.B., Howard University, 1936; A.M., Harvard, 1938. Farm Marketing Quota Referenda. *Chicago.*

Milton R. Merrill; B.S., Utah State College, 1925; A.M., Columbia, 1932. The Public Career of Reed Smoot. *Columbia.*

Charles R. Nixon; A.B., Oberlin, 1939. The Concept of Civil Liberty; Its Meaning and Development in the United States. *Cornell.*

Simon Noveck; A.B., Yeshiva College, 1936. History of the Democratic Idea in America, 1765–1801. *Columbia.*

William Broderick Pendergast; A.B., Notre Dame, 1937; A.M., *ibid.*, 1938; 1ière License en Sciences Politiques et Sociales, Louvain (Belgium), 1939. American Ideas on the Limits of the Authority of Government. *Chicago.*

Marcos A. Ramirez; A.B., University of Puerto Rico, 1940; LL.B., *ibid.*, 1942; LL.M., Harvard, 1943; A.M., *ibid.*, 1945. Democracy and Revolution. *Harvard.*

Bruno Paul Schlesinger; Absolutorium in Law, Vienna, 1937. Democracy and Parties in Max Weber's Political Thought. *Notre Dame.*

Willis Harlow Shapley; A.B., Chicago, 1938. General Theory of Planning. *Chicago.*

Charles Louis Smith; B.S., George Peabody College, 1927; A.M., Vanderbilt, 1930. Civil Military Relations. *Chicago.*

Albert Somit; A.B., Chicago, 1941. The Political and Administrative Ideas of Andrew Jackson. *Chicago.*

David Spitz; B.S.S., C.C.N.Y., 1937; A.M. Columbia, 1939. Ideas in Transition; A Comparative Study of the Impact of Totalitarianism and War upon a Selected Group of Political Thinkers. *Columbia.*

James Benjamin Stalvey; A.B., Duke, 1930; A.M., *ibid.*, 1931. The Political Philosophy of Daniel DeLeon; A Study in Early American Socialism. *Illinois.*

**Robert L. Stern;* A.B., New York State College for Teachers, 1935. Study of Predictions of Newspaper Columnists in the Newspapers of 1934. *Syracuse.*

Harry C. Thomson; A.B., Allegheny, 1933; A.M., Harvard, 1934. Separation of Powers in American Political Thought. *Harvard.*

John Higgins Williams; A.B., Washington and Lee, 1924; A.M., *ibid.*, 1928. The Rise and Decline of the Compact Theory in the United States. *North Carolina.*

George V. Wolf; Ph.D., Vienna, 1928; J.D., *ibid.*, 1930. Joseph Popper-Lynkeus as Social Philosopher and Reformer. *Yale.*

GOVERNMENT AND POLITICS OF THE UNITED STATES AND ITS DEPENDENCIES

Totton James Anderson; A.B., California, 1930; A.M., *ibid.*, 1931. The Presidential Speech as an Instrument of Foreign Policy. *Southern California.*

Benjamin Baker; B.S., C.C.N.Y., 1935; A.M. Columbia, 1940. The Packers and Stockyards Act. *Columbia.*

Hillman M. Bishop; A.B., Columbia, 1926. Rhode Island and the Federal Constitution. *Columbia.*

Judah Cahn; B.S., N.Y.U.; A.M., Columbia, 1942. The Judicial Struggle, 1937. *Columbia.*

William D. Carey; A.B., Columbia, 1940; A.M., *ibid.*, 1941. A Study in War-Time Federalism. *Columbia.*

Lawrence H. Chamberlain; B.S., Idaho, 1930; A.M., *ibid.*, 1932. Sources of Recent Major Legislation. *Columbia.*

Asher N. Christensen; A.B., Minnesota, 1924. A Study of the Legislative Settlement of Contested Election Cases. *Minnesota.*

David Gregg Farrelly; B.S., Springfield College, 1937; A.M., Pittsburgh, 1940. The Senate Judiciary Committee. *Princeton.*

LeRoy Craig Ferguson; A.B., Miami, 1937; A.M., Ohio State, 1939. The Quakers in American Politics. *Ohio State.*

Thomas J. Graves; A.B., University of Newark, 1937; A.M., University of New York, 1939. Federal-State Coöperation in World War II. *Princeton.*

**Raymond H. Gusteson;* A.B., Morningside College, 1942. Violence in Labor Relations in the Steel and Related Industries. *Syracuse.*

**John D. Hall;* A.B., Union, 1936; A.M., Syracuse, 1938. The Administration of U.S. Territories and Island Possessions. *Syracuse.*

Rufus G. Hall, Jr.; A.B., Texas, 1933; A.M., *ibid.*, 1935. American Imperialism in the Caribbean during the Taft-Knox Administration. *Harvard.*

Louis C. Kesselman; A.B., Ohio State, 1940; A.M., *ibid.*, 1941. The Fair Employment Practice Commission Movement in the United States. *Ohio State.*

Merle Kling; A.B., Washington, 1940; A.M., *ibid.*, 1941. Missouri's Attitude on Foreign Policies as Expressed by her Congressmen. *Washington (St. Louis).*

**Jerome Machlin;* B.S.S., C.C.N.Y., 1935. A Study in Protest Politics. *Syracuse.*

Edwin M. Martin; A.B., Northwestern, 1929. Influence of Organized Economic Groups on Federal Tax and Tariff Legislation from 1921–1933. *Northwestern.*

Willard C. Matthias; A.B., Iowa, 1936; A.M., Minnesota, 1938. The Formation of Labor Policy under the New Deal. *Harvard.*

James Erroll Miller; A.B., Pittsburgh, 1931; A.M., Pennsylvania, 1932. The Negro in Pennsylvania Politics, with Special Reference to Philadelphia since 1932. *Pennsylvania.*

Walden Moore; A.B., Harvard, 1922. The American Navy Bill of 1916. *Columbia.*

Wallace J. Parks; A.B., Williams, 1932; LL.B., George Washington, 1937. Federal Import Control. *Columbia.*

A. Edward Patmos; A.B., N.Y.U., 1935; A.M., *ibid.*, 1936. Some Recent Attempts of Non-Political Organizations to Influence Federal Legislation. *New York University.*

Philip Ray Rodgers; B.S., University of Utah, 1939; M.S., *ibid.*, 1940. The Government of the United Mine Workers Union. *American.*

William Schuhle, Jr.; A.B., Washington and Lee, 1935; A.M., 1936. Social Security as a Responsibility of Government. *Johns Hopkins.*

Ralph Scott; A.B., Williams, 1923; LL.B., Howard, 1926; A.M., Catholic University, 1939. Groups Representing Negro Interests in the National Field. *Catholic University.*

L. William Steck; A.B., Otterbein, 1937; A.M., Ohio State, 1938. The Formation of the Jeffersonian Republican Party. *Ohio State.*

Liba Harold Studley; B.S., C.C.N.Y., 1921; LL.B., Fordham, 1925; A.M., Columbia, 1929. Progress of Aviation Legislation in the United States. *Columbia.*

Charles Young; B.S., Brooklyn, 1934. The Rider Method of Legislation. *New York University.*

CONSTITUTIONAL AND ADMINISTRATIVE LAW IN THE UNITED STATES

Ernest F. Acheson; A.B., Washington and Jefferson, 1934; A.M., *ibid.*, 1935. The National Labor Relations Act; A Study in Law and Administration. *Johns Hopkins.*

**Paul Beckett;* A.B., Monmouth College, 1935; A.M., Illinois, 1938. Court Review of State Administrative Agencies in California. *U. C. L. A.*

Ross C. Beiler; A.B., Allegheny College, 1937; A.M., Iowa, 1940. The Commerce Clause and State Regulation, 1888–1910. *Iowa.*

Harold Christensen; A.B., Iowa, 1939; A.M., *ibid.*, 1940. The Concept of Liberty as Enunciated by the Supreme Court from 1937–1942. *Iowa.*

Fredryc R. Darby; A.B., Occidental College, 1934; A.M., *ibid.*, 1935. Welfare Clause of the Constitution. *California.*

Robert Burns Dishman; A.B., Missouri, 1939; A.M., *ibid.*, 1940. American Legal Commentators and the Constitution. *Princeton.*

Richard H. Ernst; A.B., Minnesota, 1933; A.M., Princeton, 1935; LL.B., Yale, 1938. The Administrative Adjudicative Technique as Used by the National Labor Relations Board. *Princeton.*

Delavan P. Evans; A.B., Occidental, 1933. The Use of the Concept of Inherent Powers by the Supreme Court of the United States. *California.*

James Edward Gerald; A.B., West Texas State Teachers College, 1927; B.J., University of Missouri, 1928; A.M., *ibid.*, 1932. The Press and the Constitution, 1932–1944. *Minnesota.*

J. Clare Heinlein; A.B., Grinnell College, 1934; LL.B., Kansas City School of Law, 1938. The Institution of the Administrative Court. *Chicago.*

**Francis H. Heller;* J.U.C., Vienna; LL.B., Virginia, 1941. The Supreme Court and Treaties. *Virginia.*

Samuel Hendel; LL.B., Brooklyn Law School, 1930; B.S.S., C.C.N.Y., 1936. Constitutional Doctrine of Charles Evans Hughes. *Columbia.*

Paul R. Jolles; Baccalaureat, Gymnasium of Berne, 1938; Certificat d'Études Françaises, Lausanne, 1939; A.M., Harvard, 1943. The Theory of Civil Liberty in Swiss and American Constitutional Law. *Harvard.*

William L. LaRue; A.B., Northwestern, 1933. Patents and Copyrights in American Public Law. *Princeton.*

George Lipsky; A.B., Washington (Seattle), 1938. Constitutional Powers of States Affecting Interstate Commerce. *California.*

Vera McLaren; A.B., Southern California, 1924; A.M., Northwestern, 1929. The Doctrine of Public Interest. *Northwestern.*

John Marshall Martin, Jr.; A.B., Tennessee, 1939. The United States Court of Customs and Patent Appeals. *Johns Hopkins.*

Arthur T. von Mehren; B.S., Harvard, 1943; LL.B., *ibid.*, 1945. The Emergency Court of Appeals. *Harvard.*

Roy Miller; A.B., Hamline, 1927; A.M., Minnesota, 1928. Municipal Civil Service Law in Minnesota. *Minnesota.*

Frederic D. Ogden; A.B., Tusculum, 1938. Governmental Regulation of Foods, Drugs, and Cosmetics. *Johns Hopkins.*

Joseph R. Saylor; A.B., Southwest Missouri State Teachers College, 1933; A.M., Southern Methodist, 1935. The Constitutional Crisis of 1937. *Texas.*

Owen Scott Stratton; A.B., Reed, 1938. State Taxation and the Commerce Clause. *Stanford.*

Charlotte Williams; A.B., Vanderbilt, 1938; A.M., *ibid.*, 1939. Mr. Justice Black and the Judicial Process. *Johns Hopkins.*

Harry O. Wilson; A.B., Harvard, 1931; A.M., *ibid.*, 1932. The Trial Examiner in the National Labor Relations Board; A Study of Quasi-Judicial Development in an Administrative Body. *Northwestern.*

AMERICAN STATE AND LOCAL GOVERNMENT AND POLITICS

Jesse H. Bankston; A.B., Louisiana State, 1933; A.M., *ibid.*, 1936. Administrative Reorganization in Louisiana. *North Carolina.*

Bernard L. Bernard; A.B., Kansas, 1928; A.M., *ibid.*, 1932. Bicameralism in Kansas. *American.*

Walter Thompson Bogart; A.B., U.C.L.A., 1930; A.M., Stanford, 1931. Glebes as a Factor in the Public Revenues of Vermont. *Stanford.*

**Charlotte Cropley Brown;* B.S., Vermont, 1927; A.M., Radcliffe, 1932. The Vermont Council of Censors. *Syracuse.*

Eugene C. Brownson; A.B., Washington, 1938; A.M., *ibid.*, 1940. The Administration of County Functions in the City of St. Louis. *Washington (St. Louis).*

Warren Cunningham. Administrative Problems Presented by County Government in Washington. *Washington (Seattle).*

J. Kirk Eads; A.B., Columbia, 1936; A.M., *ibid.*, 1937. Theory and Practice of State Control over the Local Unit. *Indiana.*

Samuel J. Eldersveld; A.B., Calvin College, 1938; A.M., Michigan, 1939. A Study of Urban Electoral Trends in the State of Michigan, 1930–1940. *Michigan.*

Emery Fast; A.B., Colorado, 1927; A.M., *ibid.*, 1929. A History of the California Criminal Syndicalism Law. *Stanford.*

Robert L. Fisher; A.B., Stanford, 1931; A.M., *ibid.*, 1933. The American Labor Party of New York State, 1936–1942. *Columbia.*

Mona Fletcher; B.S. in Ed., Kent State University, 1921; A.M., Chicago, 1924. Bicameralism in Ohio. *Ohio State.*

Lynwood M. Holland; A.B., Emory, 1932; A.M., *ibid.*, 1933. The Direct Primary in Georgia. *Illinois.*

Herman Lionel Horn; A.B., Bridgewater College, 1924; A.M., Duke, 1936. The Development of the Democratic Party in Virginia since 1900. *Duke.*

Laulette L. Irvin; A.B., Goucher, 1935; A.M., Columbia, 1935. The Suffrage Movement in Illinois. *Chicago.*

Emil Frank Jarz; A.B., Chicago, 1938. Legal and Administrative Aspects of Intermunicipal Agreements in the United States. *Chicago.*

John Paul Jones; B.A.J., Florida, 1937; A.M., Wisconsin, 1939. History of the Republican Party in Illinois since 1912. *Illinois.*

Harvey M. Karlen; A.B., Chicago, 1939. Economic and Administrative Aspects of Municipal Wage Policies. *Chicago.*

Bernhard O. J. Linnevold; A.B., Luther College, 1930; A.M., Colorado, 1931. Cheese and Politics. *Wisconsin.*

Mavis Andrée Mann; A.B., West Virginia, 1942; A.M., *ibid.*, 1943. Developments in North Carolina County Government, 1925–1945. *North Carolina.*

Albert B. Martin; A.B., Muskingum, 1928; A.M., Pittsburgh, 1938. Financial Powers and Administration in Allegheny County. *Pittsburgh.*

Lois Bannister Merk; A.B., Smith, 1924; A.M., Clark, 1927. Massachusetts in the Woman's Rights Movement. *Radcliffe.*

Molly Milman; A.B., Hunter, 1935; A.M., Columbia, 1938. The Fusion Movement in New York City. *Columbia.*

Arthur Naftalin; A.B., Minnesota, 1939; A.M., *ibid.*, 1942. History of the Farmer-Labor Party in Minnesota. *Minnesota.*

William F. Nowlin; A.B., Howard, 1919; A.M., Ohio State, 1930. Legislative Investigating Committees in Ohio, 1919–1934. *Ohio State.*

**Vincent E. Ostrom;* A.B., U.C.L.A., 1942. A Historical Study of California Political Parties. *U.C.L.A.*

James Kimbrough Owen; A.B., Louisiana State, 1937. Local Government in Louisiana. *Princeton.*

Ira Polley; A.B., Indiana, 1938. The Politics and Administration of State Labor Relations Acts. *Minnesota.*

Clifford Rader; A.B., Eastern State Teachers College (Kentucky), 1934; A.M., Kentucky, 1937. Problems of Kentucky County Government. *Kentucky.*

Glenn W. Rainey; A.B., Emory, 1928; A.M., *ibid.*, 1929. The Negro in Georgia Politics since Reconstruction. *Northwestern.*

Miriam Roher; A.B., Barnard, 1936; A.M., Northwestern, 1937. Public Relations Reporting by City Governments; Nature and Effectiveness. *California.*

Geddes William Rutherford; A.B., Missouri, 1913; A.M., Harvard, 1916. Metropolitan Problems of the District of Columbia. *American.*

Israel Stiefel; A.B., Pennsylvania, 1925; LL.B., *ibid.*, 1928; A.M., *ibid.*, 1932. Industrial Changes and Taxation Problems in Pennsylvania. *Pennsylvania.*

Eleanor F. Tabor; A.B., Radcliffe, 1943. Freedom of Speech and Press in the State of New York since 1930. *Cornell.*

Kuo Ying Tsai; A.B., Yenching University, Peiping, China, 1935; A.M., Princeton, 1937. Alcoholic Beverage Regulation in New Jersey. *Princeton.*

John Robert Verby; B.S.Ed., Northeast Missouri State Teachers College, 1928; A.M., Missouri, 1932. Legislative History of the Administrative County Offices in Missouri. *Washington (St. Louis).*

**Harold Wesley Ward;* A.M., Louisiana State. The Virginia Alcoholic Beverage Control Board. *Virginia.*

Ellsworth E. Weaver; B.S., Utah, 1937; M.S., *ibid.*, 1938. State Supervision of Municipal Administration in Utah Cities of the First and Second Classes. *New York University.*

Lawrence H. Wendrich; A.B., Newark, 1937; A.M., N.Y.U., 1939. Citizen Organization and Action in Selected Areas. *Indiana.*

Julian R. Wilheim; A.B., Columbia, 1929; A.M., N.Y.U., 1938; LL.B., Columbia, 1938. The Cost of the Administration of the Courts of the City of New York. *Columbia.*

Virginia Loraine Wood; A.B., Roanoke College, 1938; A.M., Duke, 1944. Impeachment and Recall of Governors in the United States. *Duke.*

Robert Martin Young; A.B., Washington, 1930; A.M., *ibid.*, 1932. The Office of Governor in Missouri. *Washington (St. Louis).*

Frederick L. Zimmermann; A.B., Columbia, 1928; A.M., *ibid.*, 1929. The Council of State Governments. *Columbia.*

PUBLIC ADMINISTRATION IN THE UNITED STATES

Robert W. Anderson; A.B., Cornell, 1935; A.M., *ibid.*, 1938. Intergovernmental Relationships in Federal Relief Administration. *Princeton.*

Dana Mills Barbour; A.B., Washington, 1929; A.M., *ibid.*, 1930. The Recent Growth of the President's Administrative Power through Financial Control. *Stanford.*

John C. Bollens; A.B., Wooster, 1942. Bureaus of Governmental Research in American Universities. *Wisconsin.*

Frank P. Bourgin; A.B., Minnesota, 1930; A.M., Claremont, 1932. History of Regional Planning in the United States. *Chicago.*

Vincent J. Browne; A.B., Howard, 1938. The Budget as an Instrumentality of Democratic Control. *Harvard.*

**Frederic Bundy;* A.B., and B.S. in Ed., Kent State University, Ohio, 1935; A.M., Ohio State, 1938. Fact-Finding Processes in the Department of Agriculture. *Syracuse.*

Howard A. Calkins; A.B., Ohio Wesleyan, 1927; A.M., Wisconsin, 1928. A Survey of Personnel Practices in Selected Texas Administrative Agencies. *Wisconsin.*

Sophie T. Cambria; A.B., Barnard, 1937; A.M., Bryn Mawr, 1938. Youth in the Philadelphia Labor Market; A Study of the Vocational Problems of Young Workers and Related Vocational Services. *Bryn Mawr.*

Lawrence Cramer; A.B., Wisconsin, 1923; A.M., Columbia, 1926. The Virgin Islands as a Problem in Colonial Administration. *Columbia.*

John Aubrey Davis; A.B., Williams, 1933; A.M., Wisconsin, 1934. Regional Administration under the Social Security Board, with Special Reference to the

Problem of Administrative Decentralization of the Bureau of Old Age and Survivors Insurance. *Columbia.*

Thomas Lewis Driscoll; B. of Ed., State Teachers College, 1935; A.M., Iowa, 1939. Rule-Making Authority of Administrative Agencies in Iowa. *Iowa.*

Isabel Ferguson; A.B., Agnes Scott, 1925; University of Chicago, 1927. Historical and Current Problems in the Administration of Sub-Minimum Wage Laws. *American.*

Ralph Fjelstad; A.B., Concordia, 1937. Some Phases of Public Administration in Agriculture. *Northwestern.*

Guy Fox; A.B., Texas Christian, 1929; A.M., Southern Methodist, 1930. Regulation of Banking by the Comptroller of the Currency. *Texas.*

Bruce Hartung French; A.B., Haverford, 1937; A.M., Pennsylvania, 1940. The Predictive Value of Scholastic Records for Promotion in the Professional Services of the Federal Government. *Pennsylvania.*

Wayne C. Grover; A.B., University of Utah, 1935; A.M., American University, 1937. Records Management in the War Department; A Case Study. *American.*

Charles Nathan Hamberg; A.B., Harvard, 1929; M.P.A., *ibid.*, 1944. The Theory of Administrative Organization. *Harvard.*

Rolf N. B. Haugen; A.B., Minnesota, 1937. The Effect of Federal-State-Local Financial Relationships upon Local Government Units in Massachusetts. *Harvard.*

Kathryn G. Heath; A.B., American University, 1931; A.M., Syracuse, 1936. Basic Standards and Status in Employee Counseling. *American.*

David Horton; A.B., Washington, 1935; A.M., *ibid.*, 1936. Federal-State Relationships in the Administration of Unemployment Compensation. *Harvard.*

Gladys M. Kammerer; A.B., Washington University, 1930; A.M., Wisconsin, 1931. Wartime Adjustments of the Federal Civil Service. *Chicago.*

John H. Klingenfeld; A.B., Amherst, 1913. The Walsh-Healey Act; A Case Study in Public Administration. *American.*

Grace M. Kneedler; A.B., California, 1936. The Rôle of the Social Security Board in the Determination of Policy under the Social Security Act of 1935 and Its Amendments. *California.*

Jacob Kossman; A.B., Pennsylvania, 1930; A.M., *ibid.*, 1943; LL.B., Temple, 1935. The Law of Radio Broadcasting and the Administrative Thereof by the Federal Communications Commission. *Pennsylvania.*

**Fordyce W. Luikart;* Ohio Wesleyan, 1933. Federal and State Regulation of Gambling. *Syracuse.*

Oscar M. Lurie; A.B., Harvard, 1935. A Critical Study of the Procedures and Techniques of the United States Employment Service. *Harvard.*

Marjorie McGillicuddy; A.B., Wellesley, 1922; A.M., Columbia, 1934. Public Personnel and Public Opinion. *Columbia.*

Robert Arnold McGrath; A.B., Fort Hays Kansas State College, 1938; A.M., Iowa, 1939. Home Owners' Loan Corporation—A Study in Public Administration. *Iowa.*

Edwin B. McPheron; A.B., Indiana, 1938. Criteria for Granting Aid to Local Governmental Units. *Indiana.*

Raymond F. Male; A.B., Union College, 1941. Principles and Techniques in the Classification and Compensation of Public Personnel. *Princeton.*

Miriam Margolies; A.B., Barnard, 1940. Military Men as Civilian Administrators—U.S. *Columbia.*

Helen S. Martz; A.B., Pennsylvania, 1938; M.S.W., Pennsylvania School of Social Work, 1939. County Board of Assistance in Pennsylvania, 1938–1941. *Bryn Mawr.*

Evelyn Armisted Maurer; A.B., Northwestern, 1927; A.M., *ibid.*, 1928. Governmental Regulation of the Interstate Distribution of Public Utility Products. *Northwestern.*

John Francis Miller; A.B., Illinois, 1929; A.M., *ibid.*, 1930. The Administrative Management of Federal Regulatory Agencies. *Columbia.*

August W. Nagel; A.B., Chicago, 1939; A.M., Columbia, 1941. Surplus Commodities Corporation—Intergovernmental Administrative Aspects. *Columbia.*

**Lewis M. Nixon;* A.B., Ohio Wesleyan, 1934. Measurement of Morale in Government Service. *Syracuse.*

**Melville E. Osborne;* A.B., Boston University, 1939; A.M., *ibid.*, 1940. Development of Administrative Price Control of Milk in New York State. *Syracuse.*

Ellen Sorge Parks; A.B., Wisconsin, 1937. The Representative Advisory Committee as a Governing Device; Case Studies of Selected Advisory Committees of the U. S. Department of Agriculture. *Wisconsin.*

**W. Scott Payne;* A.B., Colorado, 1939; A.M., *ibid.*, 1941. Development of Legal Doctrine Governing Liability of Administrative Officers for Illegal Acts in New York State. *Syracuse.*

**Frank Piskor;* A.B., Middlebury, 1937. Administrative Relationships of the New York State Civil Service Commission to Local Governmental Agencies. *Syracuse.*

Leo C. Quinn; A.B., N.Y.U., 1930; A.M., *ibid.*, 1937. The Real Estate Bureau of the Board of Estimate of the City of New York; An Administrative Analysis of Its Rôle in the Control of the City's Real Property. *New York University.*

Albert H. Rosenthal; A.B., Denver, 1936; A.M., Minnesota, 1938. The Use of Administrative Areas and Regional Offices of the Social Security Board and Other Federal Agencies. *Harvard.*

David W. Salmon; A.B., Stanford, 1941; A.M., *ibid.*, 1942. Santa Clara County; A Study of a Secondary Metropolitan Area. *Stanford.*

Afife Fevzi Sayin; A.B., American College for Girls, Istanbul, 1936; A.M., Brown, 1939. Industrial Home Work in Pennsylvania; A Study of the Knitted Outer Wear and Women's Apparel Industries. *Bryn Mawr.*

Lloyd William Schram; A.B., University of Washington, 1934; LL.B. *ibid.*, 1937; LL.M., Harvard, 1938. The Relation between Non-Farm Lands and the Primary Canals Within the Columbia Basin Project Area—Problem No. 12, Columbia Basin Joint Investigations. *Washington (Seattle).*

Emma Schweppe; B.S., Columbia, 1920; A.M., *ibid.*, 1924. Employee Organization in the Uniformed Forces—Fire and Police—in New York City. *Columbia.*

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BOOK REVIEWS AND NOTICES

Can Representative Government Do the Job? By THOMAS K. FINLETTER. (New York: Reynal and Hitchcock. 1945. Pp. 184. $2.00.)

During the nineteenth century, representative government was adequate to protect our political liberties. The means and ends of American government were in balance. But they cannot be balanced today, it is believed, without basic changes in legislative-executive relationships.

Several more or less novel techniques of collaboration are being proposed to overcome the inherited handicap of our system of separated powers. To these techniques, Mr. Finletter now contributes "an American solution" which, he argues, would be a logical development of our form of government and not a foreign importation. After stating "our new national objectives" in Part One, and affirming that the means of achieving them "must be strengthened," the author devotes Part Two of this very readable and cogent volume to a review of our alternating experience since 1900 with "orthodox" and "strong" presidents. The "weak" presidents—Taft, Harding, Coolidge, and Hoover—respected the system of checks and balances and did not try to dominate Congress. But the strong "popular-leader" presidents, Wilson and the two Roosevelts, struggled to convert this system into a government of steady and positive power. The result has been "a government of fits and starts" marked by long periods of internal struggle and stalemate.

In order to prevent the dead hand of the Constitution from frustrating our postwar objectives, Mr. Finletter concludes that the procedures of the federal government must be changed. Current trends are already moving, he observes, toward better communications between the two branches, internal reform of both, and closer collaboration between them in the field of foreign policy.

As a next step in the current evolution, the author advocates creation of a joint executive-legislative cabinet. Set up by executive order and joint resolution, this cabinet would be composed of nine members of the executive cabinet, headed by the President, and nine chairmen of as many streamlined joint congressional committees. This joint cabinet would have jurisdiction over foreign and domestic affairs, and would be serviced by a competent secretariat. Chosen from the party in power, it would coördinate policy-making and substitute collaboration for conflict in the conduct of public affairs.

To complete the evolution, the author also recommends amending the Constitution so as, first, to give the President the right to dissolve Congress and the presidency and to call a general election of all three whenever a deadlock arises between Congress and the joint cabinet; and second, to make the terms of senators, representatives, and President of the same length—say six years. The power of dissolution would break deadlocks, make for a united government, weaken group pressures and provincialism, strengthen the national parties, and make government more responsive to the popular will. So runs the argument.

Mr. Finletter makes a very persuasive case for his proposed reforms. The joint cabinet idea, it will be recalled, was first suggested by Senator LaFollette in July, 1943, and was first adopted at the state level in 1931 by Wisconsin. Since 1931, nine states have created legislative councils, whose experience should be useful in evaluating the merits of this proposal, which certainly deserves a fair trial.

The proposed power of dissolution, however, seems dubious. Unlike the cabinet idea, it would constitute a drastic departure from our political experience, traditions, and habits. Unless accompanied by the "balancing, compensating right" of Congress ("the principal") to "hire and fire" its "agent," the Executive—a practice Mr. Finletter approves in private business (pp. 126–7)—would the supremacy of Congress be preserved by giving the President the right to dissolve it?

Nevertheless, this fine little book makes a welcome contribution to contemporary political thought on a vital problem. And it presents a constructive challenge to those practitioners of the political art who are responsible for keeping the means and ends of American government in balance.

GEORGE B. GALLOWAY.

Washington, D. C.

Big Government—Can We Control It? BY MERLO J. PUSEY. (New York: Harper and Brothers. 1945. Pp. xxvii, 240. $2.50.)

The future of democratic government in the world depends in large measure on whether we in the United States can set an example which will convince others that under such a government a society can have a better material and spiritual life, more freedom and more prosperity, than under any form of totalitarianism. We cannot prove this, the author thinks, merely by coasting along on the government organization which satisfied the needs of our forefathers or which has grown up, more or less without organization, largely during the crisis periods of the great depression and the World War.

In dealing with our government, two important new elements must be taken into account. The first is that the United States is now one of the three great powers in the world and that international affairs are a world-wide, no longer mainly a European, concern. The issues discussed at the San Francisco Conference make this element very clear. Our scheme of government was set up and developed free from the severe international pressures which European governments were designed to meet on their own continent and other continents where their interests clashed; but now it is subject to the same pressures in shaping world affairs.

The other new condition is the great expansion of government controls over the individual, which have tended to become federal instead of state, owing to the nation-wide development of business and social interests. There has been, in consequence, a rapid expansion of federal machinery, greatly fostered by the needs of the war. This machinery should be examined and realigned to do its work with less of the time-wasting, costly confusion of which there is general complaint; and, more important, it must be prevented from becoming an instrument for building up an oppressive bureaucracy without effective means of control to preserve individual liberty and free enterprise.

"Pursuit of democracy and efficiency within our constitutional framework leads straight to the halls of Congress'' (p. 111). So the author reviews the various projects for improving the work of Congress and for restoring to it a greater degree of policy formulation, which he thinks has been too much left to the executive. The reviewer believes that he has not sufficiently stressed the vital point which he mentions (p. 227), the importance of confidence in the executive. What can be done by cabinet members in whom Congress has confidence is evidenced in Secretary Hull's relations with Congress, and what happens when that confidence does not exist the author portrays when he points out that not only did Congress refuse to accept the tax bill proposed by the Treasury, but it was unable to prepare a sufficiently drastic tax bill of its own (p. 14); and this even though the committees had at their disposal the expert organization built up to advise on internal revenue taxation. The author might have said more of the veto power and the influence it gives the President on the fate of bills after passage, as his administrative control gives him a great advantage in their introduction.

Another point in respect to Congress, which the author might well have dwelt upon, is the importance of the interpretation of statutes by the Supreme Court. Congress, under recent decisions, appears in practice free to determine how far it will go in regulating business and labor under the commerce clause, thus restricting the field of activities of the states. Having abandoned control over this important policy-forming function to Congress, the Court should be the more strict in its interpretation of legislation, to be sure that it is the policy of Congress and not its own policy which it is enforcing (pp. 89–92, 201). It seems to the reviewer that it should not lose sight of the Tenth Amendment as a guide to interpretation if not to control.

It is refreshing to see that the author believes that the necessary constitutional changes should be achieved by amendment rather than by devices to get around the Constitution. This implies that amendment must be made easier, and the author in Chapter XII gives his opinion as to how the amending process should be modified, as well as the constitutional changes which he would suggest.

The reviewer agrees with Professor Beard's illuminating foreword that the book is useful in attracting attention to the tendency toward authoritarian government throughout the world and the danger of a drift in the same direction in the United States under the pressure of expanded internal control of individuals and of increasing involvement in foreign affairs. The reviewer thinks, however, that the author does not give sufficient weight to the consideration that the instances to which he refers arose during crises, war or economic, or sufficient credit to the balance wheel of public opinion in the United States, which swings behind a strong executive in times of crisis, but which swings against the executive when the crisis is no longer apparent. It is important, however, that public opinion take into consideration the changes in the international and national situation which confront the American people at this time and the necessity for thoughtful consideration of the necessary and orderly adjustment in our governmental processes. It is as a contribution to such consideration that the book is to be recommended.

JOSEPH P. CHAMBERLAIN.

Columbia University.

Taxes Without Tears. BY DONALD B. MARSH. (Lancaster, Pa.: Jacques Cattell Press. 1945. Pp. xvi, 207. $2.50.)

If the author of this book had preferred a title which would disclose the nature of his subject, he might have chosen "Fiscal Policy for Full Employment." The first part analyzes the budgetary, debt, and taxation policies necessary for full employment; the second part gives special attention to these policies with reference to monopolies; the third considers the use of taxation to reduce inequalities in income and the alleged conflict between equalitarianism and maximum output; and a supplementary chapter analyzes critically the tax program of the Committee for Economic Development (other postwar tax plans are considered throughout the text).

The author accepts and espouses most of the devices of "functional finance" currently advocated to maintain full employment and adds some of his own: public works, useful or otherwise, the former preferred; direct payments to consumers; a flexible spendings tax, perhaps collected at the source through banks and by the use of marked and unmarked cash; tax reductions during dull periods of the business cycle; non-interest-bearing notes or expansion of credit without interest through federal reserve banks (the gold standard is described as "a simple trust in the blind forces of nature"); dated money; subsidies to induce increased output by monopolies. We can have orthodox finance or full employment, but we cannot have both.

The author's position is further indicated by the following: "Our production miracles during the war show clearly how monopolistic restriction of output melts away before the radiant certainty of a government-guaranteed market." The effect of the income tax upon output limits its effectiveness as a leveller of income, but the inheritance tax encounters no such limitation. Moreover, considerations of "industrial stagnation" "should make us pause before implementing tax plans which subvert the progressiveness of our tax system . . . ." The tax plan of the Committee for Economic Development, in the author's view, properly emphasizes the elimination of double taxation of dividends and corporate net income, but it makes inadequate provision for taxing corporate savings and is ambiguous concerning cyclical budgets.

It will be observed from the above that the author has few inhibitions about resorting to any or all of the gadgets of functional finance; indeed, he has unlimited confidence in their efficacy. Political limitations are expressly ignored, and administrative and psychological impediments are dismissed with slight consideration. The treatment is highly deductive and gives little attention to historical evidence. The view that monopoly price is always set at the point of greatest immediate profit, with no long-run considerations involved, is highly mechanistic though widely accepted. It needs qualification.

Keynesian economists will find many specific points of difference with the author, and many anti-Keynesians will reject this book with a wave of the hand. Nevertheless, the author is to be commended for a courageous, well-reasoned statement and analysis of a point of view. It is a point of view with which the reviewer finds himself much more often agreeing than disagreeing.

HAROLD M. GROVES.

University of Wisconsin.

A Administraçao Federal nos Estado Unidos. BY GUSTAVO LESSA. (Rio de Janeiro: Companhia Editora Nacional. 1942. Pp. 318.)

This is the kind of analysis of a federal administrative system American scholars are glad to see written and Brazilian public administrators can use with confidence. When Gustavo Lessa was in the United States in 1937–38 (through the assistance of the Brookings Institution and the Institute of International Education), he carried on archive and field research in a very competent manner. On returning to Brazil, he followed developments in the federal scene through 1941, publishing his book in 1942. As a scholarly study of various phases of government and politics in federal administration, American political scientists will find the volume possessing considerable merit and will welcome it. On the other hand, it constitutes an extremely valuable addition to the literature in the field for Brazilians. Just as we need more scholarly volumes on the government and politics of the republics to the south, so they very much need either translations of our better publications or studies of American government by their own scholars. This mutual interest and reciprocal assistance in satisfying it is one of the most productive results of the Good Neighbor Policy.

Following a brief discussion of the origin and development of the Pendleton Act and the movement toward a career service, the author breaks down in detail the structure and function of three departments, Labor, Interior, and Treasury, and completes the work with an evaluation of the staff agencies (particularly the Bureau of the Budget) and the General Accounting Office. The study contributes little that is new to American public administrators, but the sound conclusions based upon complete understanding of almost all of the important secondary sources along with equal comprehension of the major primary sources may be new to a large number of Brazilian students and government employees. Indeed, the recommendations made by the author should have an important effect upon the Brazilian administrative system. The small number of critical comments one can draw from this book merely emphasize its value. Thus, although the sources in most cases are complete, in dealing with early civil service reform and the passage of the Pendleton Act, the author would have profited by using Frank M. Stewart's *The National Civil Service Reform League*. The discussion of the philosophy back of the occupational versus academic preparation controversy is handled well, but there is perhaps not enough emphasis on new developments, particularly in respect to in-service training programs. The struggle to increase the classified list would have been given greater perspective through statistical tables recording the percentage changes for a larger number of years. These comments, I should reiterate, should not be construed as indicating important weaknesses of the book. The study is an excellent piece of work, a worth-while contribution to both American and Brazilian scholarship.

WILLIAM S. STOKES.

Northwestern University.

Canadian Government and Politics. BY H. McD. CLOKIE. (New York and London: Longmans, Green and Company. 1944. Pp. 351. $3.50.)

A good deal has been written on the constitutional history and government of Canada by Todd, Bourinot, Keith, Kennedy, Riddell, and others. Nevertheless the author of this volume is justified in his belief that a further description and analysis of Canadian political institutions, such as he has now given us, would be welcomed by those who are interested in the subject. Some of the earlier writings have become badly out-of-date, others are primarily treatises on constitutional law, and the rest are so largely devoted to constitutional history that they give little attention to governmental structure and processes as they are today. Professor Clokie's book is well-balanced—with enough historical background to make his descriptive matter intelligible and no more delving into the intricacies of adjudication than seemed necessary to explain where governmental powers are placed.

The author begins with the admonition that his book is an elementary or introductory one, designed for commencing the study of Canadian public affairs. But it is not elementary in the sense of sacrificing comprehensiveness to brevity or evading the difficulties by resort to over-simplification. Those who endeavor to gain their initial acquaintance with the government of Canada by reading this book will find it rather hard slogging at times—not because the author's style is dry, but because some aspects of his subject are so enmeshed in legal complications that they cannot be silhouetted in a few paragraphs.

It has frequently been said, for example, that whereas in the United States all powers not granted to Congress are reserved to the states, in Canada all powers not granted to the provinces are reserved to the federal government. That would be a significant contrast if it were true, which it is not. Perhaps the men who set up the federal government of Canada in 1867 intended it to be true, but if so their purpose has not been achieved. Judicial interpretation of their work has so beclouded the whole question of "residual powers" in the Canadian political system that the present "elementary" volume devotes fifteen pages to this subject, and even then admits that not all the questions are answered.

Noteworthy features of Professor Clokie's book are his discussions of Canadian political parties, parliamentary procedure, administrative organization and the civil service, provincial government, and local administration. Various usages in Canadian practical politics are enumerated and explained, as for example the customary giving of one seat in the federal cabinet to a non-French Catholic from Ontario, another to an English-speaking Protestant from Quebec, and at least one representative to each of the nine provinces as a means of satisfying local pride. The result, Professor Clokie suggests, is that the Canadian cabinet does not necessarily reflect a quintessence of party capacity but rather presents a curious cross-section of the Dominion's racial, religious, and geographical diversity.

Comparisons with British and American governmental procedure are also freely introduced throughout the book in a way which shows the author to possess a broad and accurate familiarity with both. Canada, it is pointed out incidentally, sometimes gives her party leaders a much longer lease of life than is the case in either Great Britain or the United States. The Liberal party in the Dominion has had only two leaders (Laurier and King) in the past fifty-eight years— surely an extraordinary record.

In Canada, as in the United States, many questions of governmental policy and practice are highly controversial. Professor Clokie has refrained from interjecting his own opinions on most of them, being content to state the issues and indicate what points of view seem at the moment to have the widest acceptance. Excellent bibliographies are placed at the end of each chapter, and these lists have been compiled with keen discrimination. The appendices contain the British North America Act of 1867 and amendments, the Statute of Westminster, and various other documents, together with an excellent map of the Dominion. A useful volume this one is in all respects, carefully planned and well written.

William B. Munro.

Pasadena, California.

Hitler and Beyond; A German Testament. By Erich Koch-Weser. (New York: Alfred A. Knopf. 1944. Pp. xii, 217. $2.75.)

Now and then—but not often—we are favored with a book which deals with a confused situation in a balanced, sane, and comprehensive manner. Like a compass on a ship, such a book helps to guide thoughtful opinion into a safe channel which eventually leads to port. The present book belongs in this category.

Its author is the type of experienced public servant to whose sound words we ought to listen, rather than to the vaporings of publicity-seeking exiles who had no real responsibilities, oftentimes little preparation. After a period during which he served as one of Germany's expert city administrators under the Empire, Erich Koch-Weser helped to create the Weimar Republic and carry it forward. He served in German cabinets as Minister of the Interior and Minister of Justice; and as the leader of the liberal *Deutsche Demokratische Partei*, he helped to organize public opinion behind democratic institutions. He never became Chancellor of the Republic, probably because he was always the *Fachmann* and not the strong partisan who seems to get the call, and partly because his party grew weaker as Germany's position deteriorated. But he was always close enough to see what was happening and to have a comprehensive grasp of the situation. Even following his exile in Brazil after Hitler's rise to power, he kept informed about German developments.

Koch-Weser was not a strong leader in Republican Germany, but he was very capable. Lacking in the sensationalism and flashy exhibitionism of Hitler, he was rather the judge, the expert—never the cheap propagandist nor the blind partisan. He was verily a good German—sincere, devout, fair, even humble and repentant. In fact, one of the great qualities of this book is its humility.

After a very penetrating analysis of German political development, in which he gives fair and frank evaluations of German weaknesses, the author puts his finger on the failures of Weimar democracy. Its first mistake, he points out, was to permit the members of the republican government to make the armistice instead of leaving this to the general staff that had demanded it. A second handicap was that right-wing circles reproached it for its intimate connection with the revolution. Powerful extra-parliamentary influences made it difficult to forge ahead. The republican government's chief error of economic policy he finds to be its passive attitude toward the extreme inflation. Also "the boundaries between parties were so firmly fixed that a leading politician was little more than the local pastor of his own flock, seldom or never a missionary in the communities of theirs." In a few of his own words: "Whoever personally experienced the difficulties of a government under pressure from without and within will judge more mildly than even the leftists, who still fancy that a republic is a magic wand capable of living blooms from branches dry, burned, or just starting to bud.

The book gives a good discussion of republican leaders, of Stresemann in particular. There is a careful consideration of whether the Republic was guilty of laying the foundations for later German aggression. There are good advice and sound warnings on many pages. For instance: "Necessary as it is for Germany to have a democratic constitution, the parliamentary system must not be the only form of expression for her democracy." And again: "For a long time to come, contending with militarism will be one of the chief problems of a new Germany."

Part II is an excellent critique of the various aspects of Hitlerism presented by a sincere German patriot. There is not much new thinking in this part, but it is refreshing to have any prominent German tear to shreds the diabolical régime which has brought his country and his people to ruin. Part III, which is entitled "Looking Forward," is a level-headed and hopeful treatment of the future of Germany. Rejecting a solution which would have foreign countries take over the business of education in Germany, he lays down a standard for Germans to follow: "No one shall teach who does not recognize the equality of all Germans before the law, who favors race and class distinctions in public life, who demands the use of force in public life or approves of it, who sponsors prerogatives based on birth, who attacks the principle of the sovereignty of the people, who does not do credit to the Reich, who denies that it is an irresponsible and corrupt act to wage an aggressive war, who does not recognize the value of peaceful coöperation among the peoples of Europe and of the world and is not ready to admit the evil of Nazism and the errors of Nazi leadership."

The author believes that "the German people in the end must shape their future for themselves and take the place in the life of the peoples that is their own." "The German," he believes, "has forfeited his leading position in world politics. He must be prepared to accept a permanently inferior position in military affairs." But, he concludes, "she has won no enduring good through her wars. Her best, her happiest, and her most famous eras were those in which she pursued the works of peace and governed herself. Germany can again be a happy nation if she resolutely chooses peace instead of war, right instead of might."

There is more good sense and advice, and more humility and repentance, in this book—now a testament from a respected leader of Weimar Germany—than I have found in any recent book by any German.

JAMES K. POLLOCK.

University of Michigan.

Civil Life in Wartime Germany; The Story of the Home Front. BY MAX SEYDEWITZ. (New York: Viking Press. 1945. Pp. viii, 448. $3.50.)

What were the internal conditions in Germany during the total war in Europe which has just closed? Max Seydewitz, a former Social Democratic member of the Reichstag now residing in Sweden, has attempted to answer this question in a lengthy book published in March, 1945. The volume is divided into six parts, the first of which deals briefly with the rise of National Socialism and the successful Blitzkrieg campaigns of 1939–41. During these two years, Hitler was able to operate with relative independence of the home front; internal conditions were, on the whole, satisfactory.

The main body of the work (Parts II–V) deals with the home front crises which developed in the wake of the unsuccessful attack on Russia—crises in munitions production, food, transportation, and, above all, manpower. These resulted in no less than three "total mobilizations" of Germans—January, 1942; February, 1943; and July-August, 1944. Women, children and old men were employed; small stores and workshops were closed; and various governmental services were drastically curtailed so as to release personnel. Nevertheless, there simply were not enough Germans to replace battle losses and at the same time to increase war production. Hence foreign slave labor was used; even as early as July, 1943, there were over 12,000,000 foreign workers in the German war economy. These sections of the book are filled with much interesting material on the wages, hours, and productivity of labor, Gestapo control and propaganda pressure as applied to workers, deterioration of civilian supplies, effects of air raids, etc.

In Part VI, the author asks, "What will become of Germany?" There is a good discussion of the officers' revolt of 1944, and some Marxian speculations on capitalists and totalitarian party rule. Thus one reads

(p. 407): "The deeds of the party leaders in regard to business contradict their words. Not a single measure has been enacted that might have restricted the economic predominance of capitalist interests." Throughout the analysis, Seydewitz greatly exaggerates the strength of the anti-Nazi forces. Many Germans undoubtedly intensely disliked life on the home front, but there is surely a difference between grumbling and active resistance. Now that the Reich is under Allied military rule and the secrets of the concentration camps are being revealed, the outside world can better understand why the underground was weak. Because the author has built on the false premise of a substantial anti-Nazi opposition, his prescription for Germany has been invalidated. Where is the "forward-looking majority of the German people" (p. 440) who can be "allowed to work out the destiny of the country free from outside intervention, and to build it according to their desires?"

A book written from a Swedish listening post before the war ended is bound to be dated. Seydewitz has made an intelligent use of German decrees, newspaper accounts and editorials, radio broadcasts, and such other information as came out of the Third Reich. He has skilfully read between the lines. The result is a valuable interim report on how the home front functioned. But the final study remains to be made in the light of all the facts which are now becoming available.

ROGER H. WELLS.

Bryn Mawr College.

International Tribunals. BY MANLEY O. HUDSON. (Washington, D. C.: The Brookings Institution and the Carnegie Endowment for International Peace. 1944. Pp. xii, 287. $2.50.)

This volume deals, in four parts, with the development of international tribunals, the general problems with reference to them, the specific problems of the future, the functions of international tribunals, and the prospects for the immediate future. Its intention is not to give an exhaustive treatment of the subject from the historic or systematic point of view. It aims rather at "summarizing the past experience, and applying what is to be learned from that experience to the immediate problems with which the world is or may be faced." This objective is fully accomplished, and beyond it the great experience and wisdom of the author have made a lasting contribution to the theory and practice of international adjudication. The book belongs in the series of illustrious treatises of which the works of Kamarowsky, Lammasch, Mérignhac, Politis, and Hammarskjöld are the outstanding representatives.

It is an important merit of the volume that it outlines exhaustively the practical aspects of international adjudication and does not neglect technical problems such as manning and financing of international tribunals.

Its main contribution to the science of international law lies, however, in the treatment of basic principles which find here in small space sounder and more enlightening consideration than they have found in many volumes and articles. Thus Judge Hudson disposes of the controversies as to whether only states or also individuals as such have access to international tribunals by pointng to the actual practice which recognizes, as a matter of principle, only states as parties to international judicial proceedings. Some of us will remember the learned discussions which arose in the thirties concerning the meaning of Article 38, No. 3, of the Statute of the Permanent Court of International Justice, which made "the general principles of law recognized by civilized nations" one of the sources of international law applicable by the Court. Judge Hudson reduces the controversy to its actual proportions by stating soberly that "the reference to 'general principles of law' has been hailed as a significant innovation, but it is difficult to trace in the actual jurisprudence any sign that it has led the Court into new paths." The author is also unimpressed by the theoretical objections to advisory opinions and finds in the practice of the Permanent Court support for the conviction that advisory opinions fulfill a useful purpose and should be continued in the future.

With respect to the future development of international adjudication, Judge Hudson defends the point of view, which has not prevailed at San Francisco, that the present Permanent Court ought to be continued. Judge Hudson is of the opinion that no state has ceased to be a party to the Protocol of the Court as a consequence of its participation in the present war. Since this is so, no new legal instrument is needed to revive or reëstablish the judicial function which has ceased to operate as a matter of fact because of the hostilities in Europe. Judge Hudson feels that "it would be a work of supererogation to attempt to construct a wholly new court; the value of continuity would be lost, old contests might be reopened, great effort and a long period of time might be required, and there would be no guarantee that in the end a more useful institution would come into being." The caution of the author's judgment is evident in the discussion of the proposed international criminal court. He sees little prospect for the establishment of such a court and little need for it. He thinks that it would be more useful to promote international coöperation in matters of criminal procedure than to create a court of international penal law and international agencies to administer it.

Even though Judge Hudson has dedicated many years of his life to the cause of international adjudication, he has not developed a professional prejudice in favor of it. He sees clearly the natural limitations of the judicial function and warns against regarding it as a universal method for the peaceful solution of international disputes. He recognizes that the exaggerated hopes which are placed upon international courts derive from a misconception of the functions which domestic courts fulfill. Domestic courts fulfill only limited functions for the preservation of domestic peace within the framework of an elaborate system of domestic institutions. No more can be expected from international courts.

HANS J. MORGENTHAU.

University of Chicago.

Problems of the Postwar World. EDITED BY THOMAS CARSON TOOKE McCORMICK. (New York: McGraw-Hill Book Company. 1945. Pp. viii, 526. $3.75.)

This is a timely book, published just at the end of the war in Europe. But it is not an impromptu journalistic enterprise to ride the current interest in the problems of peace times. In the fall of 1942, members of the social science faculty at the University of Wisconsin decided to help win the war by explaining the nature of important postwar problems and suggesting feasible public policies. Under the editorship of the head of the sociology department, nineteen scholars contributed essays to the symposium. The competence and interests of the authors determined the selection of topics, which accounts for the rather miscellaneous contents and lack of systematic consideration of world affairs. The political, economic, and sociological factors are mingled indiscriminately, although practically every chapter contemplates some kind of political activation of policy. Here is a tacit recognition that the common core of public problems is governmental, and the political element might have been used as the basis of orientation if "the tradition of individualism of the Wisconsin faculty" had not prevented "a more coördinated and regimented project."

The book is to be read in the manner it was written, as a series of separate essays. While they differ in style and viewpoint, they have the quality of academic objectivity without being too technical or impersonal. The volume was not designed as a textbook for college students or as a reference for experts. It should appeal to the mature and thoughtful citizen who wants to know the facts and essential elements of some of the most important problems about which he should have intelligent opinions.

The chapters are grouped rather arbitrarily in three parts, entitled: Economic Policy, Government and Society, and International Relations. Part I includes essays on national income and employment, labor unionism, social security, agriculture, taxation, and economic factors in foreign policy. In Part II are discussed such diverse subjects as the planning process in government, federalism, local government, education, and the Negro. Part III fills nearly half of the volume. After introductory chapters on nationalism and world organization, the section on international relations is devoted to the analysis of conditions in Great Britain, Russia, Germany, the Far East, Latin America, and Canada which affect the foreign policy of the United States. Some of the essays are primarily factual, while others incline to be analytical, depending apparently upon the nature of the subject and the attitude of the author. All are clear in outline and statement. By far the longest are the two sociological chapters on Germany, which occupy nearly a fifth of the book. They are thorough and well documented.

In spite of the independence of the various authors, the book as a whole has a collectivistic tone. Measures of social, economic, or political control are advocated or clearly implied by these professors who themselves refused to be "regimented" in the preparation of their own contributions. Probably most of them indorse the broad conception of planning which recognizes a maximum of freedom in research and bases compulsion upon general consent. Those who deal specifically with centralization of authority acknowledge its potential effectiveness but insist on democratic responsibility. The increasing power of national government appears to be more at the expense of private associations than of local units, for the functions of government are shown to be expanding at nearly all levels. What were purely economic or social activities are becoming political problems, with a concomitant shift of emphasis from individual freedom to social security and political power. The same trend toward stateism is apparent in international relations, which the Wisconsin professors observe but tend to deplore.

JOHN ELY BRIGGS.

University of Iowa.

The Reconstruction of World Agriculture. BY KARL BRANDT. (New York: W. W. Norton and Company. 1945. Pp. viii, 416. $4.00.)

Only one of strong heart would have undertaken such a comprehensive study of such a large and shifting segment of world economy. Only the scholar could have produced acceptable results. Professor Brandt has demonstrated again his power of keen analysis.

The historical background covers three well-defined periods: the status of agriculture at the end of World War I; agricultural trends in the Twenties; and planned farm economies of the Thirties. A fourth period, somewhat more difficult to appraise, deals with the effects of the present war upon the world's food economy. The evidence indicates that Europe's agricultural plant is in much better condition than one had reason to expect in view of the length of the war and the destructive nature of total economic warfare. At the same time, the author stresses the serious situation confronting the civilian populations of Europe because of the shortage of fats and animal products.

It is when the author jumps from the solid ground of past events to the shifting sands of an unknown future that his analytical abilities are put to the severest test. The probable conditions of world agriculture at the close of the war, and the agricultural adjustments which would be necessary during the demobilization period, represented, at the time of writing, situations still to be conditioned by future happenings. Professor Brandt handled them by adopting several likely assumptions and considering the probable results of each assumption separately. This is the least satisfactory portion of the book, because many of its readers will know at the time of their reading that some of the assumptions do not fall within the realm of possibility. The march of events since the book went to press has taken other directions.

In dealing with agricultural policy questions pertaining to peace-time—the long pull at the end of the readjustment period—the author returns to more solid ground. These are questions that can be appraised in terms of accepted economic theories tested by long usage. The most impressive section of the book is that dealing with the necessity for widespread and more extended international trade as a means to the fullest utilization of the world's agricultural resources. This portion of the study is especially recommended by the reviewer to the attention of farmers—and senators and congressmen. It is certain that many will disagree with the author's proposed methods for reducing tariffs, but his arguments for taking some action designed to promote international trade are clear and compelling.

Professor Brandt is inclined to the belief that farmers will cling to government price controls after this war. As for farmers in the United States, he looks for their demands to center around protection against severe price declines without the obligation of submitting to restrictions of production or marketing quotas.

In order that one may not infer from this review that the author's conclusions are couched in terms of broad generalities, it should be emphasized that the book contains a wealth of detail pertaining not only to the agriculture of the regions actually visited by war, but to the major agricultural producing areas of the world.

For students of international agricultural relations, and those interested in national agricultural policies, *The Reconstruction of World Agriculture* should be granted high priority.

ASHER HOBSON.

University of Wisconsin.

America's Far Eastern Policy. BY T. A. BISSON. (New York: International Secretariat, Institute of Pacific Relations. 1945. Pp. xiii, 235. $3.00.)

In this book, Mr. Bisson, a well-known student of Far Eastern affairs, attempts a survey of American policy with respect to China, Japan, and the countries of Southeast Asia during the past half-century in 163 pages of text. For good measure, the survey also includes a "Retrospect and Preview" and an examination of postwar problems. A review so compressed must of necessity have the character of a *précis*. Unfortunately, a *précis* is of value to a very limited number of people. It is too condensed to convey much to the layman, and to the specialist it can present little that is new. Where a fresh interpretation is presented, it cannot be adequately developed or supported. While this is an excellent *précis*, it is a *précis* nevertheless, with all the merits and weaknesses inherent in this type of treatise.

This rapid account of events and movements in the Far East, and of American policy with respect to them, is written with objectivity. Bisson is apparently more interested in presenting an objective account and analysis of American policy than a critique. Few will quarrel with his analysis and interpretations in the historical chapters. The same cannot be said for his discussion of postwar policy, for here he deals rather positively with some controversial issues.

Bisson warns against the attraction of what may appear an easy solution to a very difficult problem of postwar Japanese government. There will be a strong temptation to recognize "a new government composed of the old party and business 'moderates' operating under a 'chastened' Emperor." Bisson holds that it will not be enough to eliminate the militarists from the Japanese scene. The whole of Japan's political and economic structure—that of a few great landlords, a mass of poverty-stricken tenants and small owners, and industrial monopolists—must be reoriented to peace. The God-Emperor supplies the spiritual force which knits together the elements of this system, which of necessity is aggressive and undemocratic. It is therefore idle to assume that the Imperial institution can be retained and made useful in the growth of a democratic and peaceful Japan.

With respect to the problem of reconstruction in China, Bisson rightly warns against forced industrialization without changes in rural economy. Industrialization must be accompanied by an expanding internal market, but this is largely dependent upon agrarian reforms. The author has little to say about the political problems of China, but assumes that economic reconstruction along the lines he suggests, will help to "clear away" the barriers to democracy and unification.

In so brief a book, not every problem can be mentioned, much less discussed. However, a chapter on postwar policy which fails to indicate how American policy in the Far East may be affected by future Russian-Chinese relations, the presence of large numbers of Chinese in the countries of Southeast Asia, postwar China-Philippine relations, the new and more aggressive rôle of New Zealand and Australia in the Southwest

Pacific, and the potential three-cornered rivalry among Russia, India, and China in the region, is decidedly incomplete.

In conclusion, attention should be drawn to an excellent feature of this publication, namely, the thirty-six carefully selected documents in the last sixty-five pages of the book.

AMRY VANDENBOSCH.

University of Kentucky.

Through Japanese Eyes. BY OTTO D. TOLISCHUS. (New York: Reynal and Hitchcock. 1945. Pp. 182. $2.00.)

This is a "war book" by the distinguished foreign correspondent and author of *They Wanted War* (1940) and *Tokyo Record* (1943). It is an effort to portray the Japanese character and the Japanese national philosophy through the public utterances of Japanese officials, army officers, publicists, philosophers, poets, and politicians. It is comprised of seventeen brief chapters, each of which includes an historical introduction by the author, followed by numerous excerpts from Japanese spokesmen. A few of these latter are historical, such as the quotation from Lord Hotta (1858), and some are taken from the period 1931 to the outbreak of the present war; but the majority are statements culled from the war years. As a result, the selections given, while thoroughly representative of Fascist Japan during the past fifteen years, are not an adequate reflection of the struggles of non-Fascist groups in the previous decade. The historian and the political scientist will also note that the quotations reproduced are for the most part official or semi-official statements, and also that they are removed from their context. As source materials, they must therefore be used with these qualifications in mind. Nevertheless, their compilation in a single volume does provide a useful work of reference in the hands of competent students.

In his brief editorial essays introducing the respective chapters, Mr. Tolischus stresses the concept of the "holy" cause as indoctrinated by Shintoism. Certainly the vicious character of modern political Shinto cannot be questioned, but the statement (p. 10) that "it has come down with virtually no modification from the primitive ages to the present day" should be read only with a knowledge of Holtom's profound study, *Modern Japan and Shinto Nationalism.* On the much-discussed question of what to do with the Japanese emperor, Mr. Tolischus has no doubts. He finds in the present dynasty "a weakness of character" which has made Hirohito a "willing puppet" and "the Japanese throne an everlasting menace to the future" (p. 50). Again, the author finds that "Allied fighting men have also learned to know the Japanese as dirty, tricky, and treacherous, by instinct rather than by design." Certainly many of America's fighting men will testify to these traits. But whether they may be ascribed to *instinct* is another question, and indeed, on the following page (159), Mr. Tolischus hastens to assure us that Japanese behavior "has nothing to do with race as such," but with education and indoctrination. Here logic requires the note that instinct and education are not synonymous terms. Mr. Tolischus also holds that "the Japanese is still a savage mentally and morally" (p. 161). Certainly this war has revealed many Japanese "savages," but if the author's statement is to be accepted as a generalization, we shall need to revise the plans on what to do with Japan after the war.

There are some unfortunate errors of fact. The Root-Takahira Notes of 1908 were not a treaty (p. 95). The Hay Open Door policy was not first enunciated in 1900, nor was it "accepted by all nations." The principle of China's territorial integrity was not first enunciated in the Nine-Power Treaty of 1922 (p. 123).

In his *Tokyo Record*, Mr. Tolischus revealed a masterly grasp of detail and a power of penetrating analysis of the Japanese scene as it was at the outbreak of the present war. It is unfortunate therefore that in the present volume he has not given us his considered judgments as to how the evils of Shintoism and the weaknesses of the national character are to be overcome after Japan's unconditional surrender.

PAUL H. CLYDE.

Duke University.

Inter-American Affairs, 1943; An Annual Survey, No. 3. EDITED BY ARTHUR P. WHITAKER. (New York: Columbia University Press. 1944. Pp. x, 277. $3.00.)

This is the third volume of a series that has held great promise from its beginning. It is now fulfilling an important function in the reading of all who wish to be informed about inter-American developments with a perspective over a longer period and by more than generalities. Some observers lately have concluded that the rise of public interest in Latin American affairs has passed its peak, as the preoccupation with matters of broad emotional appeal supersedes the more painstaking concern with problems close at hand. These Annual Surveys should help to counteract that trend, since they are excellently written and bid fair to become models of synoptic treatment, imparting essential facts without barring the sight of the whole.

In the volume under review, the editor's "Summary and Prospect" serves admirably the purpose of integrating the different aspects of the inter-American panorama. The note of warning which he sounds against too much complacency on our part, in the face of nationalism growing in all sectors of this hemisphere, appears well justified by the year's record. Incidents such as the Butler and Merritt reports caused considerable irritation in continental relationships, and taken in conjunction with the resignation of Sumner Welles, "keeper of the President's conscience so far as Latin America was concerned," they sharpened the misgivings of the Good Neighbors as to the future course this country would take in relation to them.

The editor's opening chapter supplies the full story of political developments in 1943, of which the growing unrest engendered by war pressures in Latin American countries—particularly the upheavals in Argentina and Bolivia—and the rising dilemma between tendencies toward increased regionalism and the demands for international organization on a global scale are the outstanding marks. Bolivia's central rôle as "America's number one problem child," with possibilities of becoming "the Poland of South America," is justly stressed (p. 33). Meanwhile, Pan Americanism, as represented by the Pan-American Union, was confined to routine functions, with the important exception of the Inter-American Emergency Committee for Political Defense, whose success could be interpreted as pointing the way to closer collaboration in other fields.

In keeping with an up-to-date conception of international relations, the editor has further elaborated his plan. The problems of "Labor and Social Welfare" come in for a well-balanced account in a favored place, which lends emphasis to their significance for the future evolution of Latin America. The writers, Otis E. Mulliken and Sarah E. Roberts, have succeeded in presenting a broad and unprejudiced picture of actual and emerging trends, including the recent activities of the *Confederación de Trabajadores de América Latina* (CTAL) and its coöperation with like-minded labor organizations elsewhere. This chapter's value is the greater since so much of the relevant material is not easily accessible to the non-specialist; for instance, the résumé of the proceedings of the Inter-American Demographic Congress was especially welcome to the reviewer. It is to be hoped that in subsequent volumes a more precise account of the important progress in the coöperative movement will follow.

Of the chapters dealing with economic affairs, one is devoted to the arrangements made for "Latin America's Industrialization," which is widely considered the crux of the postwar situation in the southern continent. Dr. Charles F. Carson, the author, gives an analysis of plans and activities in fifteen South and Central American countries, conveying an excellent idea of the scope of such programs. His introductory paragraphs point to the problems inherent in the much publicized growth of funds (gold and exchange holdings) in the hands of Latin American governments and central banks. Indeed, this factor has to be seen against the background of wartime developments that are pertinently summarized in the "General Survey" written by George Wythe, of the U.S. Department of Commerce. Here we find "growth of funds" set in its proper perspective as a result of unprecedented export balances and a dangerous lag in imports. The statement that "the 1943 excess of United States imports from Latin America was forty-two per cent larger than that for 1942 and fifty per cent larger than the average excess of imports during the First World War" (p. 106) characterizes the extraordinary circumstances which are also reflected in inflationary processes and other difficulties all over the Latin American scene. On the other hand, exaggerated statements about expenditures of United States agencies, such as were contained in the Butler report, are reduced to proper measure. Of long-range interest appear the activities of several governments looking toward closer economic coöperation among the Latin American nations. While the year did not bring any sensational developments in this respect, it would be a serious mistake to underestimate the potential effectiveness of that policy.

Two chapters on "Transportation" and "Communications" by top-ranking experts round out the picture. They carry impressive proof of how engineering skill, harnessed to defense interests, has triumphed over many odds in the economic situation, opening up even now avenues of intercourse that will come to full fruition only after the war. Likewise the comprehensive surveys of Canadian developments, political and economic, are again highly welcome. Written by Professor John P. Humphrey, of McGill University, they focus Canada's growth as a world power and significant changes in her position vis-à-vis Britain and the rest of the Americas, especially the fact that economic coördination with the United States was greatly accelerated under the pressure of war exigencies. Throughout the volume attention is called to Canada's efforts aiming at an intensification of her inter-American links.

Finally, the chapter on "Cultural Relations" depicts an imposing array of activities by private and official organizations for the promotion of inter-American understanding. The writer, Miss Madaline W. Nichols, has wisely added a skeptical touch to her narrative. A spell of dizziness may indeed overcome one trying to find his way through the maze of interlocking directorates governing that realm. This reader, for one, had no prior occasion to realize how many useful things concerning our neighbors are "available" to our schools and colleges; perhaps, then, his dizziness was simply due to an empty stomach. It is certainly gratifying to find cultural exchange in the hemisphere so much on the increase as the survey shows. But it is evident that a broadening of the base for such endeavors and a clarification of promotional aims are still to be desired.

As Miss Nichols remarks, "it is unhappily possible that economic and political policy failures may bring a corresponding lack of confidence in the cultural program as well" (p. 195). There was no indication in 1943 that such wholesale failures would occur. On the contrary, much evidence pointed to the strengthening of ties in the political and economic field.

But, as Professor Whitaker explains, the tide seemed to be running toward international coöperation along universal rather than regional lines. Taking full account of incentives in the economic field, however, it was apparent, even then, that this trend might be altered if certain wartime shifts should by force of circumstances extend into a more permanent pattern. For economic relationships will, for better or worse, strongly co-determine political directions in the hemisphere. A satisfactory settlement of economic problems would no doubt have a soothing effect on incipient nationalism everywhere; neither would outsiders feel encouraged to fish in troubled waters. But the greatest problem for Latin America remained the orientation that United States policy would have in the immediate postwar period. The postponement of the Ninth Inter-American Conference (now scheduled for 1946) accentuated the state of suspense in which the inter-American systems were held.

There are appended to the text a list of selected references, an "Inter-American Chronology," and an index—besides a valuable collection of statistical tables, a feature continued from previous years. In the latter, special attention is given to the financial position of Latin American countries. Trade balances appear in a new breakdown. (A printing error in the total for 1941 exports in Table 13 is slightly irritating.) Interesting revelations may be expected when the editor's promise to expand the statistical section can be fulfilled. Even so, the material here presented illustrates the economic impact of the war on the Latin American nations and the degree of responsibility the United States has incurred for the welfare of countries over whose life it has acquired so large a measure of control. It was also a fortunate idea to insert in the text (p. 15) a table showing the voting populations of all American countries, since it throws light on the predicament of democracy in our part of the world.

HENRY P. JORDAN.

New York University.

Brazil on the March. BY MORRIS L. COOKE. (New York: McGraw-Hill Book Company, Inc. 1944. Pp. xvi, 303. $3.00.)

Layman, scholar, and business-man will find this book one of the few studies of inter-American relations which happily combine interesting style with accurate research. Written by the chairman of the thirteen-man American Technical Commission to Brazil—organized in the summer of 1942 by the Board of Economic Warfare with the collaboration of the Department of State, War Production Board, and Coördinator of Inter-American Affairs—the book establishes the sound thesis that by analyzing the economic problems of transportation, fuel, electricity, railroads, mines, factories, and manufacturing and suggesting means of strengthening the industrial structure, any resulting increase in the national income of Brazil will promote trade with the United States and further the Good Neighbor policy.

Chapters III and VII of this excellent volume are of particular significance. The first (pp. 32–52), consisting largely of excerpts from the reports of Dr. Corwin D. Edwards, presents the most complete and realistic summary of Brazil's economic status in print, and the second (pp. 122–159), taking into consideration the geographical and financial obstacles to the construction of railroad and highway communication facilities for the exploitation of Brazil's raw materials, keenly appraises the possibilities of gliders for transportation purposes.

In the light of the important contribution this volume makes to an understanding of Brazil's economic problems, the few weaknesses appear minor indeed. As politics and economics are so intimately related in practical government, however, it is perhaps unfortunate that the author so meticulously divorces the two fields. The examination of Article 138 of the constitution, which guarantees the free organization of trade or professional associations, for example, is almost entirely uncritical. Although the author admits that such syndicates must be recognized by the government to be legal, he does not state how many labor unions existing before Vargas' administration have been recognized by the government and how many have been suppressed through a denial of recognition (pp. 81–82). The author displays over-enthusiasm and uncritical perspective in other instances. The thesis, for example, that Brazil's industrial immaturity is due to the non-existence of a "technological inheritance" from Europe or the United States, rather than inherent incapacity of the Brazilian workman, is probably sound; but it is unrealistic to dismiss so lightly the official statistics and reports of malnutrition and disease and their relationship to productivity (pp. 61–65). On the whole, however, the book is well-organized, informative, and careful and constructive in its conclusions.

William S. Stokes.

Northwestern University.

Latin America in the Future World. By George Soule, David Efron, and Norman T. Ness. (New York: Farrar and Rinehart, Inc. 1945. Pp. xiii, 373. $3.50.)

The authors of this valuable volume—working under the supervision of Dr. Alvin H. Hansen of the National Planning Association—searchingly examine Latin America's economic development and international economic relations to discover how the "freedom from want" provision of the Atlantic Charter can be realized. In dividing the work into three sections —The Basic Problem Described and Analyzed; War: Economic Dislocations and Programs; and Recommended Policies and Implementation

—the authors cut across national government lines by using the topical or problem method, which lends cohesiveness and force to the presentation. Heavily documented and technical, the book somewhat overstates Latin America's economic backwardness, but correctly concludes that economic development in the entire area must be treated in terms of the world problem of providing an expanding economy. Although the United States should encourage a more highly productive economy through industrialization and crop diversification wherever feasible, the main reliance is placed on international coöperative endeavor, with planning at every level. These conclusions, broadly considered, are sound, but the writer feels that the responsibility of the United States for regional development has perhaps been underestimated.

The use of the topical method, which exposes the scholar to the danger of de-emphasizing differences among countries to reach broad generalizations, and the fact that the authors did not carry out extended field research and used many secondary sources in English and Spanish, account in part for a few exaggerated or incorrect statements. Thus, the position of the absentee landlord has been too broadly defined (p. 62); Roberto Moreno y García's statistics on illiteracy (not accurately taken from official sources in all instances) are accepted (p. 189); and remarks in connection with school buildings and domination of industry by foreigners are made (p. 190) which are difficult to defend. The few minor factual errors should be corrected in a second printing. Accents on Spanish words are occasionally omitted (pp. 81, 83–84, for example), the date of the agrarian law now in effect in Honduras is given incorrectly (p. 238), the figure of 2,000,000 *pesos* for the *Fomento* Corporation of Chile is a mistake (p. 274), etc.

This book makes an outstanding contribution to an understanding of the economic problems of Latin America, is well-organized, carefully written, and fundamentally sound in its conclusions. The documentation constitutes a good bibliographical source, and the statistical tables (pp. 336–360) are excellent. The emphasis given to the government corporation as a developmental institution in Latin America is of particular importance (pp. 273–285), and one only wishes that more extended treatment could have been focused on such developments as the Santa Corporation of Peru.

WILLIAM S. STOKES.

Northwestern University.

The Science of Man in the World Crisis. EDITED BY RALPH LINTON. (New York: Columbia University Press. 1945. Pp. xiv, 532. $4.00.)

This volume, edited by Professor Ralph Linton and supported by the Viking Fund, contains an important discussion of the developing science of anthropology. It consists of contributions by some twenty-three scholars dealing with the wide variety of topics in the field or on the fringes of anthropology, both theoretical and applied. Among the topics considered are: "The Scope and Aims of Anthropology," "The Concept of Race," "The Concept of Culture," and "The Acquisition of New Social Habits." On the more practical side come "Present World Conditions," "World Resources," "Population Problems," "The Colonial Crisis," "Minority Groups," "Colonial Administration," "Communications and International Coöperation," "Nationalism, Internationalism, and the War." The work of applied anthropology is specifically set forth in a discussion by Dr. Carl C. Taylor of the techniques of community study and analysis as applied to modern civilized society.

All of these discussions are of interest to students of government in that they deal not only with political problems at times, but with the fundamentals of the political process. Of special importance is the general view of the science of man presented by Professor Linton. Here we find departure from exclusive or chief interest in the picturesque primitives or absorption with anthropometrical details. Such studies are not repudiated, but stronger emphasis is placed on the generalizations which go back to "the basic principles on which all societies and cultures operate; the common denominators of human existence" (p. 12). This leads, Professor Linton believes, to a new area of concentration—a new series of generalizations "with respect to the normal coëxistence and functional interrelations of particular phenomena and with respect to various processes" (p. 18). These generalizations may be brought together in the emergent "science of man," which is by no means confined to the contributions of formal anthropology or of those who call themselves anthropologists.

From this point of view, the most important essays in this volume center around the concept of culture, including the "common denominator of cultures" and the processes of cultural change. Accompanying this are significant studies of the concept of race and racial psychology and of basic personality structure as an operational tool in the social sciences.

The concept of culture is discussed by Kluckhohn and Kelly. A culture appears as "a reticulum of patterned means for satisfying needs but equally a network of stylized goals for individual and group achievement" (p. 104), and also as "a structure of expectancies." Culture also appears, however, as an "explanatory concept" (p. 84) and as a "descriptive concept." As an explanatory concept, culture is "those historically created selective processes which channel men's reactions both to internal and to external stimuli" (p. 84). As a descriptive concept, "a culture is a historically derived system of explicit and implicit designs for living which tends to be shared by all or specially designated members of a group."

From time to time, it may be noted, sundry collaborators fall into the identification of culture as "a way of life." This topic is pursued by Dr. Murdoch in his interesting and suggestive discussion of the common denominator of cultures. The author indicates a few general lines along which analysis might be undertaken and gives some illustrative examples. Along with this is Herskovits' examination of the processes of cultural change and studies of acculturation by Hallowell. The background of these inquires is, of course, the studies of the biological basis of man, of race, and of racial psychology.

The "science of man" points the way to a land of promise, long hoped for all by students of government. The contributions of sociology, of psychology, and of anthropology are of immense value for all students of political science. However rough and tough the going may be for the time, their basic studies lead to higher learning and deeper penetration in the area of political behavior and processes. It is easy to find fault with particular aspects of this volume in special papers, but on the whole the trend is in the right direction, and this is more important than the deviations along the way.

CHARLES E. MERRIAM.

University of Chicago.

Politics and Morals. BY BENEDETTO CROCE. Translated from the Italian by Salvatore J. Castiglione. (New York: Philosophical Library. 1945. Pp. 204. $3.00.)

The reader who takes up this translation in the hope of finding a "timely" discussion of European or Italian politics will be disappointed, assuming that by timely he means relating to events within the last twenty years. The publisher omits (whether by design or by inadvertence) all mention of the Italian text translated. In fact, the original consisted of two publications going back respectively to 1924 and 1928. In 1924, Croce published his *Elementi di politica*, consisting of two main divisions. The first consisted of a statement of "principles," which was exceedingly abstract and paradoxical, after the manner of writers addicted to dialectic. To this he added some remarks on the history of political philosophy which served in some measure to elucidate the principles. There was also a third short section intended to discriminate his own idealist conception of historical development from historical materialism. This pamphlet makes up pp. 1–110 of the present translation. Four years later, Croce published *Aspetti morali della vita politica; appendice agli Elementi di politica*, which still further elucidated his principles, with short essays on liberalism and competing social philosophies. This makes up the remainder of the translation (Chaps. iv–x). If, then, as the dust-jacket of the book asserts, Croce plays a leading rôle in the restoration of liberty in Italy, it is because of ideas that were put into print without overt reference to the Fascist crisis in that country, and more particularly without reference to a "restoration." More even than most idealists, Croce tried to write and to think *sub specie aeterni* and not with reference to an individual situation.

The English volume before us is, in fact, a wretched performance. It is badly printed, badly edited, and badly translated. Croce's text is turned into a kind of schoolboy English that is always difficult to read and often does not convey the idea to anyone who is not already acquainted with what is to be conveyed. It is unfortunate that an American publisher should have been willing to present a thinker, who is universally respected, in a form so discrepant with the excellent translations of his philosophical works produced by Mr. Donald Ainslie.

Croce is a liberal of the period following 1870. In a sense, he is an Hegelian, much in the fashion of English idealists like Bradley, Green, and Bosanquet. Like these Englishmen, he is repelled by the "Prussianism" of the German philosopher, but finds in the conception of universal history, producing successively higher realizations of the idea of freedom, an objective criterion of moral values such as earlier liberals had found in the self-evident principles of natural law. Unlike the English thinkers, who could not escape the pervading force of the English tradition, Croce was able to discover that "the whole philosophy of politics in its central idea is symbolized by two Italians" (pp. 64 f.), Machiavelli and Vico. The first clearly discriminated morals from politics, which is the sphere of the "useful." The second placed the useful firmly within the scope of an evolving morality: "Brutality and treachery, unavoidable in politics and recognized and recommended by Machiavelli, even though he felt a moral disgust for them, are explained by Vico as a part of the drama of humanity, which is in a perpetual state of creation and recreation" (p. 66).

The center of Croce's view of politics falls in Chapter IV of this translation, "Liberalism as a Concept of Life." Modern philosophy, he says, has given up the claim of being definitive because it has become content with "remaining perpetually alive and able to state and resolve all the problems that arise *ad infinitum* in life, and able to develop dogmas perpetually, without ever nullifying them, but making them always deeper and larger" (p. 124). Hence liberalism transcends all other social philosophies because it "places the moral conscience at its center" (p. 125). No part is absolute, but only the developing whole, which gives to every part, in its time and place, a kind of relative absoluteness. Undoubtedly this is a form of faith which might, as apparently it did with Croce, give to the moral conscience the power to withstand adversity and to affirm its moral insight against brutality and barbarism. As a philosophy, it was more characteristic of the turn of the century than of the present.

GEORGE H. SABINE.

Cornell University.

Take Your Place at the Peace Table. By Edward L. Bernays. (New York: Gerent Press. 1945. Pp. 60.)

"America's No. 1 Publicist," as his publishers describe him, tries to show the American citizen in his *Take Your Place at the Peace Table* how to exercise influence for what Bernays believes to be a desirable peace. He invites the reader to participate in making the peace indirectly by "pressuring" the direct participants. The pamphlet is a mixture of honest liberalism and incipient cynical fascism. There is much talk of the individual common man and open discussion and truth and accuracy, but much more of molding public opinion by various tools and weapons and plans and strategies, of swaying individuals and masses by powerful techniques of persuasion, by "the tested skills and practices of the professional public relations expert" (p. 2), and, on occasion, by a powerful organization. Propaganda is, of course, to be formulated so as to exploit the personal instincts and interests of the persons in view. At one point (p. 17), the reader is warned that he may be getting ideas from "someone who is consciously trying to make" him "think and act as he desires," but the whole pamphlet is directed to telling the reader how he may accomplish this on someone else! If inaccuracy is to be abjured, it is—as far as we are told—only because it may provoke mistrust and loss of interest (p. 23). The author presumably intends only welfare and happiness for humanity, but his methods are largely identical with those portrayed in Chapters VI and XI of *Mein Kampf.*

It may be felt that this is a rather severe, and even unwarranted, comparison. But what is the essence of fascism? It is totalitarianism, of course, but totalitarianism must necessarily, given diversity of human traits and inclinations, be brought about by a dictatorial technique, whether the method is designed to serve one substantive program or another—capitalism, national socialism, communism, or whatever else. That method consists of the adoption, by the individuals or groups contemplating such a program, of the end in view in advance of any general discussion, followed by high-pressure promotion to put over the program, including, if possible, suppression of the opposition and of any individual liberty of thought and expression. Misrepresentation of facts, as far as useful and safe, exaggeration of interpretations and judgments, appeals by seductive words and loud sounds and by flaming symbols to the emotions and appetites of the reader or (better) listener, rather than to his reason, threats to his personal welfare and safety—such are the unfortunately all too familiar techniques of fascism. Conversely, these methods naturally lead to totalitarianism if pursued thoroughly.

The opposite method is that of liberalism, or a free society. Both systems are forms of democracy, and the latter concept is of no value as a standard of either pure form or ethical value, seeing that we can have no other form of government at bottom in any case. In a free society, ends are to be chosen by general community inquiry and discussion, as are also the steps to be taken to attain those ends. The study and discussion of both must proceed freely; adequate time must be allowed for due consideration, and the result must be reached by free agreement. No concealment or disregard of the true facts can be tolerated, of course, or distortion of their meaning. The appeal must be made to men's reason (preferably in writing!) and to their more generous motives. (Incidentally, it is the liberal who shows genuine faith in democracy and the common man in believing him capable of responding to such a technique and refusing to victimize him by fascist methods.) And constant revision, or at least reconsideration, of public policy and law must be provided.

Obviously these two procedures are, as Hitler himself pointed out, worlds apart. The latter is the technique of free minds and of honest science and of public welfare; the former, that of the dictator (an individual, or a faction, the middle class, the clergy, the proletariat, or any other) enslaving others with no genuine regard for facts—even those pertinent to his own interest—or general welfare. Now it may be suggested that the liberal method is too feeble and slow to meet the needs of society in the day of the radio, the stratoliner, and the rocket bomb, particularly if the other method has already been adopted by the opposition. It is barely possible that this is the case; certainly it is both necessary and safe for a people accustomed to liberty and determined to preserve it to suspend liberal methods of government temporarily in time of flood, earthquake, and even war. But if we have reached a point where such techniques are to be regarded as normal, then let us at least be aware of what we are headed for, namely, the ant-heap. As a matter of fact, that case remains to be proved. Liberal societies make room for—and have great need for—an unlimited amount of leadership, although it must be true leadership and not that perverted and miscalled leadership which is in fact drivership, even slave-drivership. And certain liberal societies had a large share—to put it mildly—in breaking the fascist combination in Europe, and are doing the same unaided in the Pacific.

It might possibly be argued also—indeed it is actually argued—that if we adopt such techniques ourselves—we who are on the side of the Lord—it is merely to defeat the forces of evil and promote purposes which are good for all concerned. But clearly that contention is too naïve to stand unchallenged. The primary value of the liberal technique is encountered precisely in connection with the selection of ends, as students of political science have pointed out (along with other ideas contained in this review) from the time of Aristotle onward. No individual or group is both wise enough and generous enough to decide on the issues of social welfare on behalf of the members of the community—that is, after all, the basic and final answer to fascism.

Now it cannot be remotely suggested that Mr. Bernays recommends misrepresentation of facts or suppression of investigation or discussion or clapping people into concentration camps, much less executing them for their opinions.[1] But the technique which he purveys—and he is far too intelligent a person not to perceive this himself—is terribly dangerous in the way in which it can lead on to the more advanced stages of totalitarian technique. The writer once had a very dear friend in Geneva, a young German from Breslau, who seemed to be the soul of intelligent and generous liberalism. Being engaged in several programs for human betterment, he became impatient with the slowness and ineffectualness of the liberal technique, as it appeared to him. He began to advocate utilization of modern psychological and communications techniques for "molding public opinion." The writer had grave and painful misgivings over this turn of affairs, and they were only too well justified, for his friend finally became an ardent Nazi. It is barely possible that liberals might make use of the questionable and at times curiously indecent techniques employed by Mr. Bernays' school (see p. 18, for example) without going on to the more serious violations of individual liberty and integrity and the public welfare. But, except in the dangerous emergency type of situation mentioned above, it would seem infinitely safer, with this most vital of all social issues in mind, namely, individual liberty and social welfare versus their destruction, to tolerate some delay, some temporary setbacks, and even greatly protracted effort and disappointments, for the sake of avoiding surrender to fascism.

PITMAN B. POTTER.

Washington, D. C.

BRIEFER NOTICES

AMERICAN GOVERNMENT AND POLITICS

Though George Wharton Pepper calls his autobiography *Philadelphia Lawyer; An Autobiography* (J. B. Lippincott Co., 1945, pp. 407, $3.75), he has obviously been much more than a Philadelphian and a lawyer, in spite of the fact that he is very much of both. The reader will realize at once that Mr. Pepper has been, among other things, an athlete, a gentleman of the old school, a university man, a philanthropist, an Episcopalian, a Republican, a publicist, and a conservative. In each of these avocations he has practiced the virtue of a certain whole-hearted enthusiasm as remarkable as has been his versatility. He is probably the most loyal Philadelphian of his time; his life-long interest in his church has made him one of the leading Episcopalian laymen in the country; in his devotion to the Republican party, he is second to none. Throughout a long and busy life he has been extremely generous with his time and his money in the advancement of a variety of highly respectable causes—all of this is recorded in his autobiography, sometimes amusingly. As a public man of some importance, Mr. Pepper has known more or less intimately many of the key men in the administrations of Harding, Coolidge, and Hoover, and has personal knowledge of much of the inner history of the 1920's. The student of politics will be disappointed, however, if he searches this volume for a mass of new material concerning the history and political processes of the decade following World War I, for Senator Pepper seems not to have observed acutely the events in which he participated and very often relates a purely personal and incidental story. For this reason, *Philadelphia Lawyer* will probably be valuable to the scholar mainly for the unconscious revelations it makes concerning the state of mind of influential Republican leaders twenty years ago. It is not recorded that Franklin Roosevelt and George Wharton Pepper ever met or that they corresponded or were associated in any way whatsoever. It is amazing to discover, therefore, that Mr. Roosevelt is unquestionably the villain of the piece. Beginning with the account of his childhood and continuing through his reflections concerning death and immortality in the seventy-eighth year of his life, Senator Pepper neglects no opportunity to record his distaste for the late President of the United States. These comments, evincing a certain want of restraint and nearly always irrelevant to the matter in hand, mar but do not wholly destroy Mr. Pepper's portrait of Mr. Pepper as an urbane and judicious person.—E. E. SCHATTSCHNEIDER.

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[1] In fact, a good deal of the excessive material in the pamphlet seems merely to be the effervescence of professional zeal, as where its author expresses the meaningless wish (p. 2) that every one of the 138,000,000 Americans should become counsels (*sic*) on public relations (whom would they counsel—one another?).

The struggle which Marshall Field and his associates have made to liberalize the press constitutes one of the important democratic experiments of modern America. In *Freedom is More Than a Word* (University of Chicago Press, 1945, pp. 180, $3.00), that experiment is, without over-elaboration, inserted into the American scene. The growing monopolization in the newspaper field, the tightening of corporate controls over editorial policy, and the increasing restrictions in regard to membership in the news-gathering services made for an anti-reformist and reactionary press. It was to combat these trends that Mr. Field entered the field of journalism. The story of the launching of *PM* and the Chicago *Sun* is a great chapter in the history of American journalism. The aims behind these papers are earnests for the future American democracy. The chapters on the nature of a true democratic society are genuine contributions to American political theory. But the presagent idea of the essay is that the media of journalistic expression must have access to the news, and that that access must be real rather than merely nominal. The right to purchase the AP services is of no value unless there is a reasonable possibility of completing the transaction. The remedy, Mr. Field insists, is that the news services be made available to all who wish them, but at a fair price. "Freedom is more than a word." And "freedom of the press" should not be interpreted in such a manner as to make for "unfreedom of the press."—CORTEZ A. M. EWING.

In a small book, *Labor in America* (Harper's, 1945, pp. 305), Professor Harold U. Faulkner and Mark Starr, educational director of the International Ladies' Garment Workers' Union, present a summary history of the development of organized labor in the United States. The treatment is pointed toward high school and junior high school pupils, and the text is equipped with suggested activities at the end of each chapter, a bibliography, an appendix illustrating a union-employer agreement, and an index. For the most part, the story is told chronologically, beginning with "Early Labor in Europe and America" and running through to "Labor and the New Deal." Each chapter, however, affords an opportunity for topical discussion of conditions and problems characteristic of the period covered. The last two chapters analyze the structure and functions of modern unions and their principal activities. The tone of the book is definitely sympathetic to organized labor without being propagandist. Organized labor is treated as an essential part of "The American Way," a series edited by S. P. McCutchen of New York University. No doubt a critical review would find many ways in which the volume might be improved—in content, format, illustrations, and techniques—for the educational purpose it is supposed to serve. It tells a story, however, which every American school boy and girl should know.—HARVEY F. PINNEY.

Reapportionment in Illinois (1944, pp. 46, mimeo.), by the Research Department of the Illinois Legislative Council, is a competent factual account of the failure of Illinois to rearrange its congressional, senatorial, and supreme court districts in accordance with population changes. This failure has occurred despite provisions in the state constitution, enactments by the state legislature, the introduction of proposals at every legislative session, and repeated efforts to secure action by state and federal courts—including a court-room murder committed by one frustrated litigant. No changes have been made in congressional and senatorial districts since 1901, and state supreme court districts have been altered but slightly since 1870. As a result, these districts now show the following extremes in population: congressional districts, from 112,116 to 914,053;

senatorial districts, from 35,534 to 574,891; and supreme court districts, from 422,663 to 4,463,003. It is commonly supposed that inequities of this nature develop only as between urban and rural areas—in this instance, Cook county and down-state. That there is some basis for this assumption is shown by the fact that Cook county has half of the population of the state, but less than forty per cent of the congressional and senatorial districts and does not constitute quite all of one supreme court district out of a total of seven. Yet this seems to be an over-simplification, as the greatest variations in population in both congressional and senatorial districts occur *within* Cook county, and very considerable, though less extreme, variations are found among the down-state districts. The student of political and social phenomena will find little solace in the difficulties encountered in redistricting where the people who benefit from inequities are able to prevent change.—ROGER V. SHUMATE.

Volume XXVII, Number 4, of the Illinois Studies in the Social Sciences is Leon H. Weaver's *School Consolidation and State Aid in Illinois* (University of Illinois Press, 1945, pp. 115, $1.50). Illinois has more school administrative units (over 12,000) than any other state. Some methods of effecting consolidation, such as legislation or publicity regarding its advantages, have not produced notable results. Mr. Weaver conceives of the state-aid program as a means of offering economic inducements to consolidation. His study is "an investigation of the means by which and the extent to which state-aid policies have been and can be used in Illinois to further consolidation of school units—both attendance areas and political units of school support and administration." The study is particularistic and is of limited interest to the political scientist in general; it will unquestionably be valuable to legislators, school administrators, and schools of education.—JOSEPH M. RAY.

Concerning both federal grants-in-aid and direct federal expenditures in the several states there has been considerable confusion, due in part to the fact that various national agencies report on differing bases. In *Grants-in-Aid and Other Federal Expenditures within States* (Chicago, 1945, pp. 47, mimeo.), the Council of State Governments has contributed in a limited way toward explaining the differences and also toward assembling statistics having a bearing on state financial policy. The items shown include regular grants, emergency expenditures as classified by the Treasury Department, shared revenues and payments in lieu of taxes, and selected other expenditures such as old age and survivors' benefits, veterans' benefits, and payments for rivers and harbors and flood control, public employment offices, and defense airports exclusive of Works Progress Administration allotments. The unidentified author of the report seeks to include among federal direct expenditures those which "inure to the benefit of the states, their political subdivisions, or inhabitants." The author expresses misgivings, shared by the reviewer, as to his application of this criterion (p. 41). The data generally relate to 1943.—JAMES W. MARTIN.

American agriculture has been an attractive field for the research scholar with literary ambitions, and publishers have been receptive. Intelligent surveys of specific periods, however, have not been excessive. A refreshing work of this nature is Fred A. Shannon's *The Farmer's Last Frontier; Agriculture, 1860–1897* (Farrar and Rinehart, Inc., pp. xiv, 434, text ed., $3.75). It is Volume V of the series, "The Economic History of the United States." Fifteen chapters develop these topics: Nature and the Farmer, Agricultural Settlement in New Areas, Disposing of the Public Domain, Land and Labor in the New South, Southern Crops and Special Problems, The Progress of Farm Mechanization, The Expansion of Prairie Agriculture, Special Problems of Prairie Farmers, The Livestock Frontier and the Great-Plains Farmer, Finance and Marketing Problems of the Range Country, Specialized Agriculture and Eastern Adjustments, Governmental Activity in Agriculture, The Agrarian Uprising, Farmers' Coöperative Movements, and The Farmer and the Nation. The final chapter of the book surveys the literature of the subject—a critical analysis of many of the publications useful in the preparation of the work. The fine-print 16-page index seems adequate. Thirty or more illustrations are helpful in gaining an appreciation of the author's conclusions. Inserted graphs and tables, giving weight to the argument, will be of value to readers interested in factual data. For students of political science, Chapters 3, 12, and 13 will attract the greatest interest and will warrant close examination. The book is carefully designed and smoothly written.—GEORGE C. ROBINSON.

The publication of F. M. Huntington Wilson's *Memoirs of an Ex-Diplomat* (Boston, Bruce Humphries, Inc., 1945, pp. 373, $3.00) will be welcomed by students of American diplomatic history, and the book will be found interesting reading by many persons who are not special students of the subject. Mr. Wilson had wide experience in that he not only was a member of the foreign service of the United States, especially in the Far East, but also held positions in the State Department, including that of under-secretary. During the secretaryship of Elihu Root, Mr. Wilson was instrumental in effecting a reorganization of the Department through the introduction of politico-geographical divisions. His account of the situation in the Department at that time, and the light he throws upon the evolution of the idea of "dollar diplomacy," probably constitute the most valuable part of the book, although it covers a lifetime, from his birth in

Chicago in 1875 down to the present time. The volume fills a worthy place beside other similar books which help to supplement the official records of diplomatic history with the sidelights of personal reminiscence.—JOHN M. MATHEWS.

In *Jefferson Davis and His Cabinet* (Louisiana State University Press, 1945, pp. 401, $3.75), Rembert W. Patrick presents the personnel and activities of the civil leaders of the South. In manuscript form, his study was awarded a special Jefferson Davis prize of $500 by the United Daughters of the American Confederacy. Although the author, a South Carolinian by birth, brings a sympathetic viewpoint to his subject, his conclusions are objective and based on wide investigation of manuscript collections, printed documents, reminiscences, and newspapers, as well as many secondary sources. Extensive documentation, almost one thousand foot-note references) diverts attention from the narrative. Eighteen pages of bibliography would be of greater use if annotated. After two introductory chapters, which deal with "Deep Fears and High Hopes," and "The Man and His Men," the secretaries are discussed in relation to the position which each held. "Men of Ambition" sketches the careers of Robert Toombs, Robert M. T. Hunter, and William M. Browne as secretaries of state. In "Men of War," one sees Leroy P. Walker, George W. Randolph, Gustavus W. Smith, James A. Seddon, and John C. Breckinridge courageously directing the conflict. Judah P. Benjamin, Jack-of-all-trades, was successively attorney-general, secretary of war, and secretary of state, but his activities are discussed as a unit. Heading the Treasury Department, Christopher G. Memmenger and George A. Trenholm faced insurmountable problems. Stephen R. Mallory served continuously as navy secretary. Consistent loyalty was the characteristic of Postmaster General John H. Reagan. The Justice Department was supervised by Thomas Bragg, Thomas H. Watts, Wade Keyes, and George Davis, as well as Benjamin. A description of "Court Life" at Montgomery and Richmond is followed by the concluding chapter, "The Fugitives," where one views the fate which befell these "Leaders of a Lost Cause." The author remarks that the study is not definitive. However, he believes that "a reasonably accurate picture can be drawn from the sources available" of these "representative men" who "served their country faithfully and well. . . . They did not achieve ultimate success, yet, failing to win, they have left their impress on history."—MONA FLETCHER.

The objective of "Postwar Jobs for Veterans," *Annals of the American Academy of Political and Social Science*, Vol. 238, 1945, $2.00) is to present the magnitude and significance of implementing a program of postwar veteran reëmployment. The most impressive aspect of the volume is the manner in which it relates veteran reëmployment to most phases of employment after VJ day, including that of the non-veteran. The meaning of veteran reëmployment becomes clearer when one realizes that "ultimately some 50,000,000 or more persons (including servicemen's families), or one-third of the nation [will be] directly concerned with the rights and privileges of veterans" (p. 63). The method of presenting the problem is commendable. The first section is devoted to dimensions, the second to government measures to assist the veterans, the third to special problems in the reabsorption of veterans, the fourth to the need for a positive policy. Each section consists of a series of excellent articles pertaining to the general subject of the division. Without exception, the contributors are persons of training and experience, and in the opinion of the reviewer, the result is the best source of information on the problem of veteran reëmployment now available. Unfortunately, space did not allow the inclusion of a section on the political aspects of the subject.—Boyd A. Martin.

Social Work Yearbook, 1945 (Russell Sage Foundation, pp. 620, $3.25), edited by Russell H. Kurtz, is the eighth issue of the Yearbook series, the first appearing in 1929. Part I contains seventy-five articles by as many authors on such a variety of subjects as administration of social agencies, child welfare, consumer protection, foreign relief and rehabilitation, Japanese-Americans, seamen's services, servicemen and veterans, and youth services. Among the contributors are such authorities as Arthur J. Altmeyer, chairman of the Social Security Board; George D. Butler, recreation research specialist, National Recreation Association; Michael M. Davis, chairman, Committee on Research and Medical Economics; Jane M. Hoey, bureau of public assistance, Social Security Board; and Gertrude Falks Zimand, general secretary, National Child Labor Committee. The topical articles describe functions, activities, and programs of social work itself and of closely related fields. This latter phrase is defined by the editor to mean: (a) "those whose practitioners share with social workers responsibility for service to a common group of clients, and (b) those whose problems and objectives impinge upon the area of social work practice and interest." Part II, "Directories of Agencies," is in two sections. The first lists seventy governmental agencies whose functions are related to social work, and the second lists four hundred and two voluntary agencies. The reading public of the *Social Work Yearbook* is presumed to include not only social workers and practitioners in related fields, but students of social legislation, librarians, teachers, administrators, and board members. Both professional and non-professional readers will find the book, as always, an invaluable source on developments in social work and allied fields.—Helen I. Clarke.

Most of the American colonies had many British officials ranging all the way from governors and councils down to tax-collectors and naval officers in the colonial ports. These were appointed by the British government and usually represented its point of view in colonial affairs. The colonial agent was the one institution that represented the viewpoint of the colonies to the British government. In the beginning, the colonies sent agents to England from time to time for special purposes. The practice was so useful that eventually the British government demanded the permanent establishment of agents resident in London, and for once the colonies agreed. The agent was called on by various boards and officials for information and advice. He often had power of attorney, especially in cases of boundary disputes with other colonies. He worked for the acceptance of colonial laws and the repeal of disliked British ones. He was, in fact, a lobbyist with legal status. Within the colonies, his appointment was a matter of bitter dispute between the governors and councils on one hand and the lower house on the other. In these disputes, the lower house usually won, for it controlled the purse. In *The Colonial Agents of the Southern Colonies* (University of North Carolina Press, 1945, pp. 438, $5.00), Miss Ella Lonn has done the first full-length and detailed study of colonial agents from the southern mainland colonies. A prodigious amount of research in published and unpublished sources is revealed, and light is thrown on innumerable aspects of colonial history. The book is not easy reading, for the amount of detail is very great. One quarries rather than reads. But the quarrying is worth while.—MERRILL JENSEN.

Students of Southern problems who have long lamented the absence of publications on certain states in this region will find scholarly and readable accounts of eight major problems in *South Carolina; Economic and Social Conditions in 1944* (University of South Carolina Press, 1945, pp. vii, 239, $2.50). With the exception of one lay contributor, the chapters were written by members of the University faculty, who endeavored individually to cover the fields of resources, population, manufacturing, agriculture, income, and savings. Of special interest to political scientists are the hundred pages devoted to state government, public education, and public welfare. Treatment of these topics is factually thorough, conventional, and brief. There is some degree of integration, in an attempt to avoid unnecessary overlapping of topics. Each author's analysis suggests the need for future research, planning, and action programs to be undertaken. In view of its inherent importance in this traditionally one-party state, the lack of explanation of rules and practices in the dominant Democratic party organization seems unfortunate. On the whole, however, this pioneer study has real merit. It is to be hoped that the newly established University of South Carolina Press will fulfill the promise of the editor to provide "significant studies of general value in the literary, historical, and scientific fields."—FRANK W. PRESCOTT.

The earliest book on President Truman to be published in England, and probably the first to appear anywhere, was *An Introductory Anthology of President Truman* (London: Reproduction Section of the O.W.I., 1945, pp. 51, no price), compiled by the staff of the American Library in London and edited by the director, Dr. Richard H. Hendel. The booklet is composed of quotations from the President's speeches and addresses, classified by subjects, and also lists the published reports of the Special Committee Investigating the National Defense Program, United States Senate (Truman Committee). F.A.O.

FOREIGN AND COMPARATIVE GOVERNMENT

"In the measure that the United Nations understand one another, they will march triumphantly through total victory to lasting peace." Acting on this proposition, the University of California presents, as part of its contribution to the war effort, "The United Nations Series." *Belgium* (University of California Press, 1945, pp. 478, $5.00) was prepared under the able editorship of Jan-Albert Goris, commissioner of information for Belgium in the United States, with chapters written by twenty-eight distinguished Belgian and American scholars. This is a concise but encyclopaedic survey of Belgium, covering political, constitutional, economic, and social development, various cultural aspects, the church, the schools, the fine arts, with fair reference to both ethnic groups, the Flemings and the Walloons, and including a special section on the particular problems of the Belgian Congo. For more ambitious readers, there is appended an extensive but selected bibliography. The volume is intended to be informational rather than inspirational. Many of the topics contain materials of book length which are perforce condensed to chapter size. The literary style is further impaired by accurate but somewhat dull translations. The work, however, always appears substantial and reliable, lacking the more lurid characteristics of "enlightenment for a purpose." A most vital chapter is Paul Van Zeeland's "Belgium in the Post-War World." Belgium is here pictured as "a classical land of civil and political liberty" which, though naturally orderly and peaceful, has had to fight for its very existence. Six times invaded in the past five centuries, many times occupied by enemy forces, a small country exposed on all sides to the pressure of turbulent powers, Belgium has a permanent vested interest in international relations. It favors a world organization in which big and small states will be equal partners with like rights and obligations. Between the national state and international government, Van Zeeland sees the necessity of many intermediate bodies, both functional and geographic; Belgium will willingly participate in all such arrangements and will certainly be an active member of postwar "Occidental Europe." Robert Kerner, general editor of "The United Nations Series," has directed all contributors to make in every instance an "honest, sincere and objective appraisal." The discipline of the editor is here manifest; from this excellent exposition the reader is bound to gain a pleasant and respectful understanding of Belgium.—MARIAN D. IRISH.

The Fall of the Old Colonial System; A Study in British Free Trade, 1770–1870 (Oxford University Press, 1945, pp. viii, 344, $3.00), by Robert L. Schuyler, deals with three great changes in relations between the mother country and the colonies—the end of British control over colonial tariffs, the end of British control over navigation to and from the colonies, and the end of British garrisoning of the colonies. It shows clearly how this change of policy occurred during the years 1846–70, and it gives one of the most thorough descriptions yet available of the anti-imperialism which culminated in some of Gladstone's ministers advocating the secession of Britain from the British Empire. It shows also, without however drawing the contrast as sharply as it might have done, how this was immediately preceded by a half-century during which the "old colonial policy" was so far abandoned that the United Kingdom maintained garrisons in the colonies and made many experiments in two-way preferential tariffs—two lines of policy that implied a greater measure of imperial unity than had been attained in the days of the "first empire." What this book does brilliantly for the period 1846–70 is to demonstrate the interconnection between a number of facts that are at first sight unconnected. There is probably no other place where one can find so convincing an account of the relations between the repeal of the corn laws, the admission of American shipping to a share in the Canadian grain trade, the granting to the colonies of the right to make breaches in imperial tariff walls, the withdrawal of imperial garrisons, and the development of responsible government. It goes without saying that this book is adequately and abundantly documented, clearly written, and well organized. Its reluctance to draw conclusions without satisfactory documentary evidence is indeed so marked that the reader is given plainly to understand that historians cannot agree on any one reason why the United States became independent (p. 36) and that there is no ground for thinking that Disraeli ever had a vision of a commonwealth of self-governing British nations (p. 259). Mr. Schuyler stays strictly within the bounds of his carefully circumscribed theme. Never once does he wander outside the realm of commercial and military policy to describe the evolution of administrative organization. Although fully alive to the importance of colonial lobbies at

Westminster, he does not analyze the procedures through which pressure groups and lobbies translated their private interests into public policy. Nor does he correlate the economic and military policy of Great Britain with that of other Powers. In spite, however, of these self-imposed limitations, which many a political scientist will regret, it is hard to see how any serious student can study imperialisms without reference to Professor Schuyler's admirable work.—W. Hardy Wickwar.

Dr. Alfred Bilmanis, the Latvian minister to the United States, has written an interesting and informative volume entitled *Baltic Essays* (Washington, D. C.; Latvian Legation, 1945, pp. 267). It is recommended for reading to all who are interested in the problem of the Baltic as well as to those who desire further information concerning the predicament in which small states surrounded, entirely or partially, by powerful neighbors find themselves. Naturally, the volume is written from a partisan viewpoint. Both Nazi Germany and the Soviet Union are placed in a highly unfavorable light. The reader has a feeling that he is reading propaganda material and that he would like to hear the same topics discussed by writers with other viewpoints. Nevertheless, the reader is amply repaid for perusing the illuminating data on historical, economic, political, and social aspects of Estonia, Latvia and Lithuania, which are the three countries the author includes in his category of Baltic states. While all three of these are listed as the Baltic states, much more attention is given to Latvia, its status and problems, than to the other two. For example, thirty-one pages are devoted to the historical and cultural background of the Latvian people, while only six pages each are devoted to similar data regarding the Estonians and Lithuanians. Nearly ninety pages are given to discussion of the effects of Russian imperialism upon the Baltic states. Included in these pages are found discussions of Russo-German relations and the effects of these upon small states lying between the two powers. The contest between Russia and Germany for the control of the three states is described in detail, though perhaps not with complete objectivity. Dr. Bilmanis leaves the reader with a conviction that the three small states have contributions to make as independent units and that each has a nationalistic flavor worth preserving. An appendix of several pages presents a great variety of pertinent and illuminating statistical data, not only on the three countries, but on Finland, Poland, and the Soviet Union as well. A bibliography comprising thirty-five closely printed pages is an evidence of the voluminous literature available on the Baltic problem. It is noteworthy that only a very small, though very creditable, proportion of this literature is in the English language—which suggests that more attention might well be given to the Baltic by American and British students of international affairs.—Ben A. Arneson.

A significant new development in British colonial policy was introduced in 1940 when Parliament passed the Colonial Welfare and Development Act which provided an annual sum of £5,000,000 for the improvement of colonial welfare services. Last February, the Colonial Secretary, Oliver Stanley, moved the second reading of a bill to increase these appropriations to £120,000,000 for the decade 1945–56, not more than £17,500,000 to be spent in one year. In *Welfare in the British Colonies* (London: Royal Institute of International Affairs, pp. 115, $1.50), L. P. Mair presents a brief survey of the status of the social services in the British colonies in Africa, Malaya, Ceylon, the West Indies, and the Pacific islands. Among the topics discussed are education, labor, health, and social welfare. Though the volume emphasizes the immensity of the task confronting British colonial administrators, it also shows that commendable progress has already been made through both government and private agencies. British colonial policy has long been noted for its promotion of the impartial administration of justice. This volume shows that the British government at present accepts also the responsibility for the active promotion of social welfare. It is recognized that in the long run the improvement of the welfare services and the general standard of living in any colonial area will depend upon the area's own human and material resources. But it is also pointed out that the speed of such development can be greatly accelerated by intelligent planning and support from the home government.—ELMER D. GRAPER.

INTERNATIONAL LAW AND RELATIONS

The high level to which discussion of public affairs may rise is evidenced by Wilson Harris' *Problems of the Peace* (Cambridge University Press, 1945, pp. 115, $1.25), in the "Current Problems" series edited by Sir Ernest Barker. Harris, who employs a clear, sincere style, has a flair for using significant details. Not seeking to present new facts, he is concerned with making widely available for laymen, especially lay leaders, scholarly information and views on peace-making problems. He discusses these problems separately—minorities, frontiers, war criminals, reparations, and the new league. Usually gentle and genial, he is at times stern and cavalier. He refuses to be troubled by the fact that trying war criminals may at times create the law and procedure of both the trial and crime; he would eliminate minority problems by requiring, within the limitations of human dignity and rights, conformity to the majority group or forceful transfer of populations. Since few more frontier changes from the 1938 pattern need be made, the peace conference should not be dominated this time by boundary squabbles. Sometimes he writes too summarily, as when he asserts that minority problems disappeared in Russia after 1917, or that France has not had a stable government since 1925. He is friendly to the establishment of a new league based, in part, on the still functioning organs of the old. He accepts Churchill's plan for continental councils, but doubts the desirability of including the United States in the European group. The discussion of long-run principles and problems is not weakened by the author's references to *future* actions by Roosevelt or to the *coming* surrender of Germany. A reading of the book left the reviewer admiring the skill which packed so much into so little space.—GARLAND DOWNUM.

Once in a blue moon there appears in the spate of hastily concocted impressionistic and prophetical books on the Far East a work (e.g., Tyler Dennett's *Americans in Eastern Asia* and Eldon Griffin's *Clippers and Consuls*) so outstanding that the critical reader alternately hugs and pinches himself with delight at his "discovery," and with fear lest it—like most detective stories—prove not as good in the end as it seemed in the beginning. Such a study is M. Frederick Nelson's *Korea and the Old Orders in Eastern Asia* (Louisiana State University Press, 1945, pp. xvi, 326, $3.75), prepared at Duke University with the aid of Dr. Homer H. Dubs and under the supervision of Professor Paul M. A. Linebarger. All who during the past century have penetrated below the surface appearances of life and institutions in Eastern Asia have been aware of the basic differences in world outlook of that area and the West, particularly in matters of statecraft and international relations. While Nipponese and other Orientals have often insinuated that Westerners are unable to "comprehend" the East, a few Occidentals have on occasion pointed out the fact that Asians have as much right, reason, and logic *re* their ideas on the world and "international law" as have Europeans and Americans, Northern and Southern. Had it been possible for Western diplomats in late nineteenth-century eastern Asia—and their superiors at home—to have access to Dr. Nelson's perspicacious exposition of the international society of Confucian monarchies, of Korea in conflicting Confucian and Western societies of nations, and of Korea in the Western state system, the history of that country from *ca.* 1866 to 1910 *might* have been quite different; certainly the diplomats and bureaucrats who were involved in the problem of a Korea suspended between two worlds would have been much less confused. The attitudes toward each other of China and Korea during the period mentioned were completely incomprehensible to Westerners—and, accordingly, appeared quite "illogical," the relativity of logic being then unknown. Like a good detective, Dr. Nelson shows that there is no mystery when all the facts are available, and he proceeds as a detective philosopher-historian to discover, codify, and interpret the necessary facts. The result is a classic which must become part of the equipment of all students of Far Eastern history and, indeed, of all who would comprehend the fundamentals of world relationships, present and future.—HARLEY FARNSWORTH MACNAIR.

America's Place in the World Economy (New York University, 1945, pp. vii, 250, $3.00), edited by Arnold J. Zurcher and Richmond Page, consists of fourteen addresses given at the fourth series of conferences of the Institute on Postwar Reconstruction at New York University—addresses which stress the inseparable relationship between economic and political policies, survey the responsibilities and needs of the United States, and suggest solutions to the multifaceted problem of establishing the economic conditions basic to world peace. Selected, annotated readings have been appended to each address. Contributors include Harry D. Gideonse, John B. Condliffe, Marcus Nadler, Harry D. White, Herbert Feis, Corwin D. Edwards, Redvers Opie, Henry Pratt Fairchild, William H. Chamberlin, E. C. Ropes, William Y. Elliott, Frank D. Graham, Carlos Davila, and Clarence Senior. These men in general concur upon the need for national policies directed toward international economic expansion, an objective which would serve both national and international public interest, and for the establishment of international economic agencies of consultation and coördination. Dr. Gideonse warns that the injection of restrictive policies in postwar British-American economic relations, the nucleus of prewar world trade, would jeopardize world-wide economic reconstruction. British-American relations, Dr. Elliott states, depend in large degree upon the rôle assumed by Russia, because "no power system as formidable and as disciplined as Russia's can fail to key in all the other problems to it, in large measure, both political and economic." Dr. Elliott indicates that this country might well obtain some control over basic strategic materials in the British Empire, and in other areas, as a condition for settlement of lend-lease obligations and for the extension of postwar credits, and accept processed strategic minerals, to be kept as government stockpiles, from debtor nations. Sanguine hopes for expansion of trade between the United States and the Soviet Union are likely to be disappointed, according to Mr. Chamberlin, although Mr. Ropes looks to an increase in trade with Russia. Dr. Davila, discussing this country's economic relations with Latin America, asks for a continuation of what he terms the policy of hemispheric economic integration.—PAUL KELSO.

A series of fifteen papers presented at a Conference conducted jointly by the School of Law of New York University and the Economists' National Committee on Monetary Policy forms a supplement to the *New York University Law Quarterly Review* entitled *Money and the Law* (New York University School of Law, 1945, pp. v, 159, $2.50). The Conference was held with the professed purpose of integrating the thinking of lawyers and monetary economists on national and international monetary questions. It was the lack of this integration which led, according to Arthur T. Vanderbilt, dean of the law school, to "some genuine difficulties, both at home and in foreign relations." It is my considered conclusion that these difficulties are as nothing compared to those which would result from the acceptance of the basic program suggested by many of the authors. That program consists essentially of scrapping the International Fund for Currency Stabilization proposed at Bretton Woods, restoring the gold standard, and balancing budgets. The nostalgia for a past which is dead is heavy. Not even death is permitted to dissolve the morganatic marriage of certain economists to automaticity with its progeny of domestic unemployment and world disaster. It is good to note, however, that F. Cyril James, for one, is aware that even if alternative plans were better, the Bretton Woods proposals constitute "a compromise that has been agreed on by the representatives of more than forty nations" and "provide machinery by which a common policy may be made effective." And he sagely adds that we cannot expect that "a monetary system appropriate to the modern world will operate satisfactorily on the basis of competition." A few of the papers make worth-while reading. I suggest particularly the "interview" written by Professor Corwin on "Dumbarton Oaks and the Constitution" and the articles of Henry Hazlitt, Donald L. Kemmerer, and Harry D. Gideonse.—SAMUEL HENDEL.

Economic Stability in the Post-War World (League of Nations, 1945, pp. 319, $2.50), is Part II of the Report of the Delegation on Economic Depressions. Part I dealt with the problems of transition from a war to a peace economy. Part II deals with the conditions of prosperity after the transition from war to peace. There are two principal sections to this volume, one setting forth the nature and mechanism of depressions and the structural changes which the world is undergoing, and the other dealing with anti-depression policies. Among the structural changes which have occurred, and which have made the world more sensitive and vulnerable to economic depressions, are the following: a retardation of population growth; an increase in income per head, with consequent expenditures on luxury and semi-luxury goods, the demand for which is unstable; the increased importance of expenditures for capital goods, which expenditures, when the economic outlook is dark, are reduced and postponed; the growth of rigidities—monopolistic and semi-monopolistic controls exercised by cartels, trusts, and trade unions—which weaken the capacity of the economic system to make needed adjustments; the increased state intervention in economic life; and the enhanced importance of war in its affect on economic activities. Economic instability itself, according to the analysis, is a result of fluctuations in the various types of investment and in the demand for durable consumers' goods. It is therefore necessary, in adopting policies to prevent periodic depressions, to concentrate "on attempting to stabilize or counterbalance these crucial fluctuations in investment," and where stabilization is not possible, to take steps "to prevent the secondary repercussions and cumulative spirals." The responsibility for adopting constructive measures to secure greater economic stability is placed upon the major industrial nations, for these nations are principally responsible for the upward and downward cyclical movements. The object of anti-depression policy must be to maintain aggregate demand. Policies relating to private consumption expenditure, private investment expenditure, public expenditure on current goods and services, public investment expenditure, and net foreign investment are discussed. Suggestions are made in each of these areas as to what lines of action are available and may be appropriate to sustain demand and thus provide greater economic stability. The significance and importance of this study are greater than may be implied from the foregoing brief comments. The volume deserves careful study and the utmost consideration.—NATHAN L. SILVERSTEIN.

The production of tin was under rigid control throughout the decade immediately preceding the Japanese thrust into southeastern Asia. In his *Tin Under Control* (Food Research Institute, Stanford University, 1945, pp. 314, $3.00), K. E. Knorr subjects the control scheme to objective scrutiny and leaves no doubt as to its effectiveness. The production of the metal could be controlled because of a number of factors. One of these was the high degree of geographic concentration of workable ores. Another was the concentration of financial control of production. A third was the relatively small quantity of tin used in the manufacture of the various products sold to consumers. The amount was so small that wide variations in the price of tin had little effect on the price of the commodities the consumers purchased. Although the quantity of tin consumed was as a consequence insensitive to the price of tin, the price of tin was highly responsive to the relationship of demand to available supply. By controlling supply, a higher price could be exacted without appreciably reducing demand. Control was instituted to save the tin-mining industry as it existed in the depth of the depression and encumbered as it then was with excess output capacity. Its purpose was to save investors from the consequences of imprudent investment. Production was deflected from the most efficient units. The resulting loss was shifted to consumers, who, as the author sees it, in no way benefited from control.—RALPH A. NOREM.

POLITICAL THEORY AND MISCELLANEOUS

In his *Practical Application of Democracy* (Harper's, 1945, pp. 140, $2.00), George B. de Huszar presents his conviction about democracy in the first words of his preface, in which he states that "democracy is something you do; not something you talk about . . . it is participation"; and his aim in this book is to point out practical ways in which people in a democracy can train themselves to coöperate in the solution of community problems and thereby fit themselves to function in the more complex exercise of governmental democracy—in a word, civic training through social participation. Here is a handbook on the democratic way of life in which the author attempts, through the psychological and social approach, to set forth certain practical considerations necessary in the attainment of a real working democracy. In Part I, the problem of democracy is presented, which the author holds to be disintegration and inaction. The answer is dynamic democracy and the method that of building problem-centered groups in the community. Part II deals with the application of the method in the community, government, education, art, recreation, journalism, and industry. In Part III, the reader is presented with the effect of the method on the individual. The author feels that one of the problems is to reduce the formalism of our present democracy by stressing the importance of human relations rather than administrative procedures, and to reduce centralization in governmental structure in favor of decentralized local action. Democracy has to be lived to be effective, and its methods and habits of participation must be introduced early into the school-room; and here follows a pedagogical discussion of teaching methods. The author attempts to introduce the scientific method into a discussion of ways and means by use of the findings of educational experimentation and psychological laboratory tests. A wealth of charts is introduced to show group combinations for participation and other matters. But the reader is left with the feeling that the author pictures a rural or suburban community, that he minimizes the difficulty of making contacts such as he describes in urban centers where the population is heterogeneous and people do not know each other, and where the mobility of the population precludes a real community spirit. In his discussion of educational techniques, one also feels that he relies too much upon the opinion of others, that in his endeavor to secure self-expression in the young he minimizes the importance of obedience and discipline. But in spite of the impracticability of some of his suggestions, the book is a distinct departure from the conventional treatment of democracy because to the author the latter is not a theory but a way of life, and he has in large measure succeeded in setting up interesting patterns of coöperation in groups and practical ways of making democratic institutions dynamic.—ELIZABETH A. WEBER.

In his *Are Men Equal?* (Putnam's, 1945, pp. viii, 188, $2.50), Henry Alonzo Myers analyzes the idea which Harold J. Laski has called the most difficult problem in the whole realm of political science, namely, the equality of man. Professor Myers approaches his problem in the spirit of intellectual adventure and enthusiasm which any great theory requires if its analysis is to be both fruitful and stimulating to the reader. The theory of the equality of man has many angles. The idea has its philosophic, literary, historical, political, and economic aspects. Mr. Myers surveys the equality theory from many angles, with the result that the reader is enriched by the synthesis which he is forced to make. The author is at his best when he discusses Emerson's thoughts about the infinitude of human intuition, or Walt Whitman's poetry concerning the sharing of common experiences between man and his fellow-man, or the quest of Ahab for the white whale, Moby Dick, as related by Herman Melville. Mr. Myers compares the arguments of Lincoln and Douglas in their great debates on human equality. Lincoln stood for the equality of man as being above the law of the majority, while Douglas believed that the people of any state could, by virtue of his principle of "squatter sovereignty," decide for themselves whether men should be equal or unequal. Since, according to the author, men are not equal mentally, morally, or physically, they are equal only in "final worth." This hypothesis forces the proof of the equality of man into the realm of metaphysics, or perhaps more exactly into the field of ontological substantivalism. Equality of man becomes an article of faith rather than logic. The volume has certain difficulties. Some terms are defined rather vaguely. "Equality is equal rights"; but these rights are not stated except through possible implication. "Man is equal to himself," but it would seem that this thesis would not prove equality between men unless all men are identical entities. The author is silent on the implementation of equality by the state. He omits entirely any discussion of the rather conclusive effects of the frontier and the industrial revolution upon American equality. Mr. Myers' contribution does not lie so much in the field of philosophical analysis of the equality of man as in the correlation of the political and literary contributions to American equality. By joining literature to politics, he has enriched the thinking of students both of American politics and American literature.—JOHN B. McCONAUGHY.

Defining free-thought as "a conscious reaction against some phase or phases of conventional or traditional doctrine in religion," J. M. Robertson, in *A History of Free-Thought: To the Period of the French Revolution* (Watts and Co., 1945, pp. xl, 511), examines a number of questions in which the social and political philosopher will be interested. The present work is a reprint of the fourth edition, which first appeared in 1936. A "rationalist" and agnostic in religious belief, Robertson states it as his opinion that "religion has in mass wrought vast evil both directly and indirectly." Free-thought has, then, constituted an emancipation from that evil, as the author attempts to show in a series of chapters including such titles as "Primitive Free-Thinking," "Relative Free-Thought in Israel," "Christendom in the Middle Ages," "The Reformation Politically Considered," and "The Reformation and Free-Thought." In terms specifically of politics and social thought, Robertson's most important contentions include (1) his observations on militarism—a militarist society, he argues, implies eventually a "militarist ethic and psychosis in the intellectual life," which expresses itself in bitter and intolerant debate; (2) his demonstration of the close relationship between religious and political speculation; and (3) his constant emphasis that general cultural progress depends upon a discovery of solutions for political problems. In commenting on Islamic culture, for example, he says: "The most fatal defect of all Arab civilization . . . was the total failure to substitute any measure of constitutional rule for despotism." Robertson exhibits in his thinking several of the defects so often associated with "rationalism" and "free-thought." He rightly emphasizes the intolerance of religious systems and the significant political results which flow from that intolerance. But often he himself seems to assume an intellectual attitude not far removed from that which he criticizes in leading religionists. His "rationalism" at points becomes as uncritical and dogmatic as their theistic beliefs; and some of his assertions—for example, the proposition that intelligent and enquiring minds tend always to reach a pantheistic position—seem to this reviewer untrue to fact and generally absurd. I am not at all certain that I should choose Mr. Robertson, in preference to his "fanatic" Plato, as my ruler. But with all this, the book demonstrates enormous erudition on the part of its author and treats with considerable skill an important theme.—MULFORD Q. SIBLEY.

In his *Human Nature; The Marxian View* (Alfred A. Knopf, 1945, pp. 217, $3.00), Vernon Venable, associate professor of philosophy at Vassar College, calls attention to an aspect of Marxian thought which hitherto has been only lightly investigated. The American academic world has been so generally aloof from Marxism that many of its members have scarcely realized that the pronouncements of Marx and Engels went beyond the field of economics, or, at most, of politics. Professor Venable's book should go far to rectify this. Drawing heavily upon comparatively little known works of Marx, and upon even less well known works of Engels, Venable reveals a literature of interest to philosophers, sociologists, and anthropologists as well as to economists and political scientists. Human nature was not, according to Marx and Engels, a fixed and unalterable entity. It was a product of social *milieu*. As Venable points out, neither Marx nor Engels was, by any stretch of the imagination, a monist, but for them the most important *single* determinant of human nature within the *milieu* was the manner of production. It followed, in their view, that the only real and practicable manner of changing human nature was by changing the manner of production. Throughout his entire study, Venable displays an admirable objectivity, a quality the more remarkable because his is a subject which has rarely been dealt with objectively. Other students of Marx might, it is true, quarrel with the author on several points, as for instance his relegation of technological advance as the dynamic of historical movement to a place less prominent than that frequently assigned to it. But these instances are remarkably few, especially considering the highly controversial character of the subject-matter. For the most part, Venable's scholarship and documentation are so thorough as to preclude any ground for doubt.—HILDEN GIBSON.

Machiavelli's place in the history of political thought has long been a subject of great controversy. In *Machiavelli: The Scientist* (Gillick Press, 1944, pp. 58), Leonardo Olschki makes the claim that "the scientific character of *The Prince* has been always noticed and many times emphasized, but never correctly described and accurately disclosed" (p. 23). The scientific character of *The Prince* consists, according to Olschki, in the fact that Machiavelli "considers only the modes and circumstances of the historical and political process in order to explain how events come to pass. He excludes from the first every debate on causes, finality, and the reasons 'why' " (p. 22). Unlike J. W. Allen, who found the real meaning of *The Prince* in the *Discourses,* Olschki seeks to use the former as a key to the latter. Olschki informs the reader that "all the supposed contradictions, ambiguities, and inconsistencies in his opinions, doctrines, and character disappear as soon as they are considered in the abstract reality of his thought and in the scientific framework of his mind" (p. 56). In his unbounded admiration for Machiavelli, the author is led rather foolishly to assert that "none of his supposed forerunners had an insight into governmental affairs of any kind or ever sought to tell something positive about the nature and practice of politics" (p. 12). And in a footnote on page 29 we are told the very remarkable fact that "Leonardo da Vinci is the first author who ever used the term 'natural law'." Olschki's volume adds very little to the existing literature on Machiavelli. His interpretation is much less novel than he supposes, and his grasp of the significance of political philosophy is superficial at best. Charles McCoy's recent essay on the place of Machiavelli in the history of political thought, published in this REVIEW (August, 1943), contributes a great deal more to a clarification of the controversy about Machiavelli than does the present volume.—JOHN H. HALLOWELL.

The English edition of V. I. Lenin's *Collected Works* will eventually number thirty-six volumes. So far, Vols. IV (1900–1902), XIII (Materialism and Empirio-Criticism), XVIII–XXI (1914–November, 1917) have appeared. The latest volume, XXIII, edited by Alexander Trachtenberg (International Publishers, 1945, pp. 539, $3.50), includes Lenin's writings and speeches from May 14, 1918 to February 14, 1919. Some selections are verbatim reports, others brief summaries from the press, while the longest is a ninety-page pamphlet, "The Proletarian Revolution and the Renegade Kautsky." This answer to Kautsky's *The Dictatorship of the Proletariat* is particularly interesting for its theoretical discussion of what constitutes a dictatorship and for its refutation of the view that socialism can be achieved through parliamentary means. Throughout the volume there is bitter denunciation of the Mensheviki and Social Revolutionaries, which brings home how far Russia still was from a totalitarian state in 1918. To Lenin, things were "either-or"; there was no middle ground, although the need to make tactical compromises is often stressed. Land was given to the peasants in order to break the power of the landlords, but this was only a temporary expedient on the road to collectivized farming on a scientific basis. The serious food situation constantly confronted Lenin and necessitated, among other compromises, one with the coöperative societies, who knew how to distribute goods. Read at the present time, the observations on international relations are particularly striking. Lenin constantly defended the signing of the treaty of Brest-Litovsk as a tactical maneuver and pointed out the measure of security afforded Socialist Russia by the prospect of world revolution and the inevitable clash between British, French, American, and Japanese imperialisms. The allied peace terms imposed on the Central Powers were denounced as more onerous than those imposed by Germany on Russia, and the prophecy is made that "they are digging their own grave with this peace." They had overstepped the bounds, and "beyond these bounds imperialism forfeits the hope of holding the labouring masses in obedience." The translation reads smoothly, and the editor has wisely contributed a small, but sufficient, number of notes.—E. C. HELMREICH.

RECENT PUBLICATIONS OF POLITICAL INTEREST

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AND
MARJORIE H. SIBLEY
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